

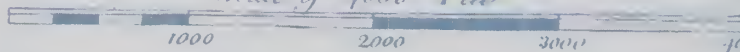
REFERENCES

- | | |
|------------------------------------|----------------------------------|
| 1. French Hall | 19 Lutheran Church |
| 2. St. Paul's Church | 20 French D ^o |
| 3. Trinity D ^o | 21 New Quaker Meeting |
| 4. Old Presbyterian D ^o | 22 Sweden D ^o |
| 5. Exchange | 23 Methodist D ^o |
| 6. North Church | 24 Fort George in Latitude 40 42 |
| 7. New Presbyterian D ^o | 25 Fly Market |
| 8. St. George's Chapel | 26 Osborn D ^o |
| 9. St. Peter's Church | 27 Bear D ^o |
| 10. The Colleges | 28 Pack's Slip D ^o |
| 11. New Scots Meeting | 29 New D ^o |
| 12. Old Dutch Church | 30 Bridewell |
| 13. New Dutch D ^o | 31 City Alms House |
| 14. Jews Synagogue | 32 Prison |
| 15. Old Quaker Meeting | 33 Hospital |
| 16. Methodist D ^o | 34 Theater |
| 17. Baptist D ^o | 35 Jews Burying Ground |
| 18. Calvinist Church | 36 Lower Barracks |
| | 37 Upper D ^o |

- A. 1 South Ward
 2 West D^o
 3 North D^o
 4 Dock D^o
 5 East D^o
 6 Montgomery D^o
 7 Out D^o



Scale of 1000 Feet





EAST RIVER

PART of LONG or NASSAU ISLAND

275-D



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24

November 6, 1786–February 29, 1788

Paul H. Smith, Editor

Ronald M. Gephart, Associate Editor

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Editorial Method and Apparatus

In its treatment of documents this edition of delegate letters strives to achieve a middle ground between facsimile reproduction and thorough modernization. The original spelling and grammar are allowed to stand except where editorial changes or insertions are required to make the text intelligible. Words omitted through oversight, however, have been supplied at appropriate places in italic type in brackets, and obvious slips of the pen and inadvertent repetitions are usually silently corrected. Capitalization and punctuation have been standardized according to certain conventions. Each sentence begins with a capital letter, as do all proper and geographic names as well as days of the week and months of the year. Doubtful cases have been resolved in favor of modern usage; otherwise the usage of the original texts has been followed. Generally, abbreviations, contractions, and monetary signs are preserved as they appear in manuscript except when they are ambiguous or misleading. On the other hand, the thorn and the tilde are consistently expanded. "Ye" always appears as "The," for instance, and "reçvd" as "received." Likewise, "pr." and tailed *p*'s are always expanded to "per," "pre," or "pro," as the case demands. Finally, superscript letters are always lowered to the line.

Gaps in the text are indicated by ellipses in brackets for missing words and by blank spaces in brackets for missing numbers. Conjectural readings are supplied in roman type in brackets, and editorial insertions in italic type in brackets. Material canceled in manuscript but restored to the printed text is included in italic type in angle brackets ("square parentheses"). Marginalia in letters are treated as postscripts if not obviously keyed to the body of the document, and postscripts which appear without explicit designation are supplied with a *P.S.* in brackets. Documents are arranged chronologically, with more than one document of the same date arranged alphabetically according to writer. Documents dated only by the month or by the year are placed at the end of the respective month or year. Place-and-date lines always appear on the same line with the salutation regardless of their position in the manuscript.

A descriptive note at the foot of each entry provides abbreviations indicating the nature and location of the document when it was copied for this project, except for privately owned manuscripts whose ownership is explained. The descriptive note also contains information on the document's authorship if explanation is necessary, and endorsements or addresses are quoted when they contain more than routine information. Other editorial practices employed in this work are explained in the sections on editorial apparatus which follow.

TEXTUAL DEVICES

The following devices will be used in this work to clarify the text.

[. . .], [. . . .]	One or two words missing and not conjecturable.
[. . .] ¹ , [. . . .] ¹	More than two words missing; subjoined footnote estimates amount of material missing.
[]	Number or part of a number missing or illegible.
[] ¹	Blank space in manuscript; explanation in subjoined footnote.
[roman]	Conjectural reading for missing or illegible matter; question mark inserted if reading is doubtful.
[<i>italic</i>]	Editorial insertion in the text.
< <i>italic</i> >	Matter crossed out in manuscript but restored.

DESCRIPTIVE SYMBOLS

The following symbols are used in this work to describe the kinds of documents drawn upon. When more than one symbol is used in the descriptive note, the first to appear is that from which the main text is taken.

RC	recipient's copy
FC	file copy
LB	letterbook copy
MS	manuscript
Tr	transcript (used to designate not only contemporary and later handwritten copies of manuscripts, but also printed documents)

LOCATION SYMBOLS

The following symbols, denoting institutions holding the manuscripts in the present volume, are taken from *Symbols of American Libraries*, 14th ed. (Washington: Library of Congress, 1993). Each volume of this edition will contain a revised list.

CShH	Henry E. Huntington Library, San Marino, Calif.
Ct	Connecticut State Library, Hartford
CtHi	Connecticut Historical Society, Hartford
CtY	Yale University, New Haven
DLC	Library of Congress
DLC(ESR)	Library of Congress, Early State Records Collection
DNA	National Archives and Records Administration
DNDAR	Daughters of the American Revolution, Washington, D.C.
ICHi	Chicago Historical Society
ICN	Newberry Library, Chicago
IMunS	Saint Mary of the Lake Seminary, Mundelein, Ill.

M-Ar	Massachusetts Archives, Boston
MB	Boston Public Library
MBNEH	New England Historic Genealogical Society, Boston
MBevHi	Beverly Historical Society, Beverly, Mass.
MH-H	Harvard University, Houghton Library, Cambridge
MHi	Massachusetts Historical Society, Boston
MNF	Forbes Library, Northampton, Mass.
MWA	American Antiquarian Society, Worcester, Mass.
MWalB	Brandeis University, Waltham, Mass.
MdHi	Maryland Historical Society, Baltimore
MeHi	Maine Historical Society, Portland
MiDbEI	Edison Institute, Henry Ford Museum & Greenfield Village Library, Dearborn, Mich.
MiU-C	William L. Clements Library, Ann Arbor, Mich.
N	New York State Library, Albany
NHi	New-York Historical Society, New York
NIC	Cornell University, Ithaca, N.Y.
NN	New York Public Library, New York
NNC	Columbia University, New York
NNPM	Pierpont Morgan Library, New York
Nc-Ar	North Carolina State Department of Archives and History, Raleigh
NcD	Duke University, Durham, N.C.
NcU	University of North Carolina, Chapel Hill
Nh-Ar	New Hampshire Division of Archives and Records Management, Concord
NhHi	New Hampshire Historical Society, Concord
NjMoHP	Morristown National Historical Park, Morristown, N.J.
O	Ohio State Library, Columbus
OCIWHi	Western Reserve Historical Society, Cleveland, Ohio
OHi	Ohio Historical Society, Columbus
OMC	Marietta College, Marietta, Ohio
PBMCA	Moravian Church Northern Province Archives, Bethlehem, Pa.
PCarlD	Dickinson College, Carlisle, Pa.
PHC	Haverford College, Haverford, Pa.
PHarH	Pennsylvania Historical and Museum Commission, Harrisburg
PHi	Historical Society of Pennsylvania, Philadelphia
PP	Free Library of Philadelphia
PPAmP	American Philosophical Society, Philadelphia
PPIn	Independence National Historical Park, Philadelphia
PPL	Library Company of Philadelphia
PPRF	Rosenbach Foundation, Philadelphia
PPi	Carnegie Library of Pittsburgh
PWacD	David Library of the American Revolution, Washington Crossing, Pa.

R-Ar	Rhode Island State Archives, Providence
RHi	Rhode Island Historical Society, Providence
RPJCB	John Carter Brown Library, Providence
ScCoAH	South Carolina Department of Archives and History, Columbia
TKL	Public Library of Knoxville, Tenn.
Vi	Virginia State Library, Richmond
ViHi	University of Virginia, Charlottesville
ViU	University of Vermont, Burlington
ViW	College of William and Mary, Williamsburg
WHi	State Historical Society of Wisconsin, Madison

ABBREVIATIONS AND SHORT TITLES

Adams, *Works* (Adams)

Adams, John. *The Works of John Adams, Second President of the United States*. . . . Edited by Charles Francis Adams. 10 vols. Boston: Charles C. Little and James Brown, 1850-56.

AHR

The American Historical Review.

Bio. Dict. of Md. Legis.

A Biographical Dictionary of the Maryland Legislature, 1635-1789. Edited by Edward C. Papenfuss et al. 2 vols. Baltimore: Johns Hopkins University Press, 1979-85.

Bio. Dir. Cong.

U.S. Congress. *Biographical Directory of the United States Congress, 1774-1989*. Washington: U.S. Government Printing Office, 1989.

Bio. Dir. of S.C. House.

Biographical Dictionary of the South Carolina House of Representatives. Edited by Walter B. Edgar et al. Columbia: University of South Carolina Press, 1974-.

Blount, *Papers* (Keith)

Blount, John Gray. *The John Gray Blount Papers*. Edited by Alice B. Keith. Raleigh: State Department of Archives and History, 1952.

Bowdoin and Temple Papers (MHS Colls.)

The Bowdoin and Temple Papers. 2 vols. Massachusetts Historical Society Collections, 6th ser. vol. 9; 7th ser. vol. 6. Boston: Massachusetts Historical Society, 1897-1907.

Burnett, *Letters*

Burnett, Edmund C., ed. *Letters of Members of the Continental Congress*. 8 vols. Washington: Carnegie Institution of Washington, 1921-36.

Cal. of Va. State Papers

Virginia. *Calendar of Virginia State Papers*. Edited by William P. Palmer. 11 vols. Richmond: 1875-93; reprint ed., New York: Kraus Reprint Corp., 1968.

Carter, *Territorial Papers*

Carter, Clarence Edwin, ed. *The Territorial Papers of the United States*. v. 2-3. *The Territory Northwest of the River Ohio, 1787-1803*. Washington: U.S. Government Printing Office, 1934.

DAB

Dictionary of American Biography. Edited by Allen Johnson and Dumas Malone.

Diplomatic Correspondence, 1783-89

The Diplomatic Correspondence of the United States of America, from the Signing of the Definitive Treaty of Peace, 10th September, 1783, to the Adoption of the Constitution, March 4, 1789. 3 vols. Washington: John C. Rives, 1855.

DNB

Dictionary of National Biography. Edited by Sir Leslie Stephen and Sir Sidney Lee.

Doc. Hist. of Ratif.

Jensen, Merrill, et al., eds. *The Documentary History of the Ratification of the Constitution*. Madison: State Historical Society of Wisconsin, 1976-.

Evans, *Am. Bibliography*

Evans, Charles. *American Bibliography*, 12 vols. Chicago: Privately printed, 1903-34.

Farrand, *Records of the Federal Convention*

Farrand, Max, ed. *The Records of the Federal Convention of 1787*, rev. ed., 4 vols. New Haven: Yale University Press, 1937.

Hamilton, *Papers* (Syrett)

Hamilton, Alexander. *The Papers of Alexander Hamilton*. Edited by Harold C. Syrett et al. 26 vols. New York: Columbia University Press, 1961-86.

Heitman, *Historical Register*

Heitman, F. B. *Historical Register of Officers of the Continental Army during the War of the Revolution, April 1775 to December 1783*. Washington [Baltimore]: Press of Nichols, Killam & Maffitt, 1893.

Hening, *Statutes*

Hening, William W. *The Statutes at Large; Being a Collection of All the Laws of Virginia*. 13 vols. Richmond: J. & G. Cochran, 1809-23.

JCC

U. S. Continental Congress. *Journals of the Continental Congress, 1774-1789*. 34 vols. Edited by Worthington C. Ford, Gaillard Hunt, John C. Fitzpatrick, and Roscoe R. Hill. Washington: Library of Congress, 1904-37.

Jefferson, *Papers* (Boyd)

Jefferson, Thomas. *The Papers of Thomas Jefferson*. Edited by Julian P. Boyd et al. Princeton: Princeton University Press, 1950-.

Journals of the Virginia Council

Journals of the Virginia Council of the State of Virginia. Edited by H. R.

- McIlwaine, et al. Richmond: Virginia State Library, 1931-.
- King, *Correspondence* (King)
 King, Rufus. *The Life and Correspondence of Rufus King*. Edited by Charles R. King. 4 vols. 1894-1900. Reprint. New York: Da Capo Press, 1971.
- Lee, *Letters* (Ballagh)
 Lee, Richard Henry. *The Letters of Richard Henry Lee*. Edited by James C. Ballagh. 2 vols. New York: Macmillan Co., 1911-14.
- Livingston, *Papers* (Prince)
 Livingston, William. *The Papers of William Livingston*. Edited by Carl E. Prince et al. 5 vols. Trenton: New Jersey Historical Commission, 1979-88.
- Madison, *Papers* (Rutland)
 Madison, James. *The Papers of James Madison*. Edited by Robert A. Rutland et al. Chicago: University of Chicago Press, 1975-.
- Mason, *Papers* (Rutland)
 Mason, George. *The Papers of George Mason, 1725-1792*. Edited by Robert A. Rutland. 3 vols. Chapel Hill: University of North Carolina Press, 1970.
- Morris, *Papers* (Ferguson)
 Morris, Robert. *The Papers of Robert Morris, 1781-1784*. Edited by E. James Ferguson et al. Pittsburgh: University of Pittsburgh Press, 1973-.
- N. C. *State Records*
 North Carolina. *The State Records of North Carolina*. Edited by Walter Clark. Vols. 11-16. Winston and Goldsboro, N.C.: N. I. and J. C. Stewart et al., 1895-1914.
- Pa. *Archives*
 Pennsylvania *Archives*. 9 series, 119 vols. in 120. Philadelphia: J. Severns & Co., 1852-56; Harrisburg: State Printer, 1874-1935.
- Pa. *Council Minutes*
 Pennsylvania. *Minutes of the Supreme Executive Council of Pennsylvania, from Its Organization to the Revolution*. 6 vols. [Colonial Records of Pennsylvania, vols. 11-16]. Harrisburg: Theo. Fenn & Co., 1852-53.
- PCC
 Papers of the Continental Congress. National Archives and Records Administration. Washington, D.C.
- PMHB
 Pennsylvania *Magazine of History and Biography*
- Polishook, *Rhode Island and the Union*
 Polishook, Irwin H. *Rhode Island and the Union, 1774-1795*. Evanston, Ill.: Northwestern University Press, 1969.
- Shipton, *Harvard Graduates*
 Shipton, Clifford K. *Biographical Sketches of Those Who Attended Harvard College*. Sibley's Harvard Graduates. Boston: Massachusetts Historical Society, 1873-.

Spaulding, Ernest Wilder. *New York in the Critical Period, 1783–1789*. New York: Columbia University Press, 1932.

Storing, *Complete Anti-Federalist*

Storing, Herbert J., ed. *The Complete Anti-Federalist*. 7 vols. Chicago: The University of Chicago Press, 1981.

Susquehannah Co. Papers

Boyd, Julian P., and Robert J. Taylor, eds. *The Susquehannah Company Papers*. 11 vols. Ithaca, N.Y.: Cornell University Press, 1962–71.

Szatmary, *Shays' Rebellion*

Szatmary, David P. *Shays' Rebellion: The Making of an Agrarian Insurrection*. Amherst: University of Massachusetts Press, 1980.

VMHB

Virginia Magazine of History and Biography

Walton, *Records of Vermont*

Walton, E. P., ed. *Records of the Governor and Council of the State of Vermont*. 8 vols. Montpelier, Vt.: J. & J. M. Poland, 1873–80.

Washington, *Diaries* (Jackson & Twohig)

Washington, George. *The Diaries of George Washington*. Edited by Donald Jackson and Dorothy Twohig. 6 vols. Charlottesville: University Press of Virginia, 1976–79.

Washington, *Papers* (Abbot)

Washington, George. *The Papers of George Washington*. Edited by William W. Abbot et al. Charlottesville: University Press of Virginia, 1981–.

Washington, *Writings* (Fitzpatrick)

Washington, George. *The Writings of George Washington*. Edited by John C. Fitzpatrick. 39 vols. Washington: U.S. Government Printing Office, 1931–44.

WMQ

The William and Mary Quarterly, 3d series

Acknowledgments

This edition began in 1970 as a project of the Library of Congress American Revolution Bicentennial Office, now incorporated into the Library's Manuscript Division as the Historical Publications Office. The Library has had a long tradition of publishing scholarship on the period of the American Revolution. Its monumental edition of the *Journals of the Continental Congress, 1774-1789* (34 vols., Washington, 1904-37) is a predecessor of the present work and will be a companion to it. The editors wish to thank the Ford Foundation for a substantial gift which has been indispensable to the progress of the edition. Our appreciation is also extended to the innumerable individuals who have contributed to enriching the holdings of the Library of Congress to make it the premier institution for conducting research on the American Revolution.

The photocopies of the twenty-three thousand documents that have been collected for this project have been assembled through the cooperation of several hundred institutions and private individuals devoted to preserving the documentary record upon which the history and traditions of the American people rest, and it is to their work that a documentary publication of this nature should ultimately be dedicated. Unfortunately, all the many contributors to this collecting effort cannot be adequately recognized, but for permission to print documents appearing in the present volume we are especially grateful to the following institutions: the Algemeen Rijksarchief (The Hague), American Antiquarian Society, American Philosophical Society, Beverly Historical Society, Boston Public Library, Brandeis University, British Museum, John Carter Brown Library, Carnegie Library of Pittsburgh, Chicago Historical Society, William L. Clements Library, Columbia University, Connecticut Historical Society, Connecticut State Library, James S. Copley Library, Cornell University, Daughters of the American Revolution, Dickinson College, Donaldson, Lufkin & Jenrette, Duke University, Forbes Library, Greenfield Village and Henry Ford Museum, Harvard University, Haverford College, Henry E. Huntington Library, Independence National Historical Park, Public Library of Knoxville, Maine Historical Society, Marietta College, Maryland Historical Society, Massachusetts Archives Division, Massachusetts Historical Society, Moravian Church Northern Province Archives, Pierpont Morgan Library, Morristown National Historical Park, National Archives and Records Administration, New England Historic Genealogical Society, New Hampshire Division of Archives

and Records Management, New Hampshire Historical Society, New-York Historical Society, New York Public Library, New York State Library, Newberry Library, North Carolina Department of Archives and History, University of North Carolina, Ohio Historical Society, Ohio State Library, Pennsylvania Historical and Museum Commission, Historical Society of Pennsylvania, Free Library of Philadelphia, Library Company of Philadelphia, Rhode Island Historical Society, Rhode Island State Archives, Rosenbach Foundation, Saint Mary of the Lake Seminary, South Carolina Department of Archives and History, Virginia Historical Society, Virginia State Library, University of Virginia, Western Reserve Historical Society, College of William and Mary, State Historical Society of Wisconsin, and Yale University. And in addition we express our thanks and appreciation to Mr. Norman F. Boas and Capt. J. G. M. Stone.

This work has benefitted not only from Edmund C. Burnett's path-finding 8-volume edition of *Letters of Members of the Continental Congress* but also from the generous cooperation of the editors of several other documentary publications with a common focus on the revolutionary era. From them the Library has borrowed heavily and to them it owes a debt it can never adequately acknowledge. It is a pleasure to give special thanks to the editors of the papers of John Adams, Benjamin Franklin, Thomas Jefferson, Henry Laurens, James Madison, Robert Morris, and George Washington. Finally we owe thanks to the historians who served on the Advisory Committee on the Library's American Revolution Bicentennial Program, and especially to Mr. Julian P. Boyd, Mr. Lyman H. Butterfield, and Mr. Merrill Jensen, who generously acted as an advisory committee for the *Letters* project.

Paul H. Smith
Historical Publications Office
Manuscript Division

Chronology of Congress

NOVEMBER 6, 1786–FEBRUARY 29, 1788

November 6	Convenes—five states represented.
November 7–24	Fails to achieve quorum.
December 4–29	Fails to achieve quorum.
January 1–16	Fails to achieve quorum.
January 17	Achieves quorum, seven states represented.
January 18–31	Fails to achieve quorum.
February 2	Achieves quorum; elects Arthur St. Clair president, Samuel Provost and John Rodgers chaplains.
February 3	Reads correspondence received since early November.
February 5	Orders report on 1787 fiscal estimates.
February 6–9	Fails to achieve quorum.
February 12	Adopts report of committee on qualifications; reads accumulated treasury and war office reports.
February 14	Nine states represented for first time; reads draft Post Office ordinance.
February 15	Authorizes postmaster general to contract for mail delivery.
February 19	Elects Lambert Cadwalader chairman in absence of President St. Clair.
February 21	Receives report on Annapolis Convention; endorses Philadelphia convention called to “render the federal Constitution adequate to the exigencies of Government and the preservation of the Union.”
February 22–23	Fails to achieve quorum.
February 26	Receives Virginia call for an interstate commercial convention.

March 5–7	Fails to achieve quorum.
March 8	Reaffirms specie requirement for quota payments.
March 9	Receives Massachusetts report on Shays' Rebellion; adopts report on western posts.
March 13	Receives report on military stores; authorizes appointment of unsalaried commercial agent at Lisbon.
March 21	Reaffirms its exclusive treaty-making powers; recommends repeal of all state acts that are repugnant to the treaty of peace.
March 23	Adopts reduction of the Continental civil list.
March 28	Debates motions on the loan or sale of Continental property.
March 30	Receives report of seizure of American property at Natchez.
April 2	Receives 1787 fiscal estimates.
April 4	Orders John Jay to report on Spanish negotiations; receives report on the military establishment.
April 5	Receives report on land sales plan.
April 9	Orders discharge of troops enlisted against Shays' Rebellion except two artillery companies; receives treasury report on copper coinage.
April 10	Debates location of federal capital.
April 13	Adopts letter to the states recommending repeal of all state acts repugnant to the treaty of peace; receives John Jay reports on Spanish negotiations.
April 16–17	Fails to achieve quorum (three and six states attending).
April 18	Receives draft ordinance on settlement of state accounts; debates sending commissioner to Spain to negotiate Mississippi question.
April 20	Receives John Jay report on sending commissioner to Spain; receives committee report on copper coinage.
April 21	Adopts copper coinage plan; adopts western land sales plan.

- April 23 Extends franking privilege to Philadelphia Convention delegates.
- April 24 Orders recapture of Fort Vincennes; receives notification of the settlement of the Massachusetts-New York land dispute.
- April 25 Receives North Carolina protest against federal Indian treaties; receives report on western land ordinance.
- April 27 Fails to achieve quorum.
- May 1 Fails to achieve quorum.
- May 2 Authorizes sale of surplus Continental arms.
- May 3 Receives British consul Phinease Bond; receives report on the military establishment.
- May 7 Appoints commissioners for settling departmental accounts; adopts ordinance for settlement of state accounts.
- May 8 Debates proposal concerning interstate commercial conventions.
- May 9 Debates Northwest Ordinance.
- May 10 Debates Northwest Ordinance; debates location of federal capital.
- May 11 Debates Mississippi negotiations with Spain.
- May 12-31 Fails to achieve quorum.
- June 1-29 Fails to achieve quorum.
- July 2-3 Fails to achieve quorum.
- July 4 Achieves quorum; elects William Grayson chairman in absence of President St. Clair; receives report on Spanish negotiations.
- July 5 Fails to achieve quorum.
- July 10 Receives report on sale of western lands to land companies.
- July 11 Reads Northwest Ordinance; receives report on issuance of indents for Continental quotas; receives report on Indian hostilities.
- July 13 Adopts Northwest Ordinance.

- July 14 Orders report on 1787 requisition.
- July 18 Ratifies commercial treaty with Morrocco; receives report on southern Indian land claims.
- July 19–21 Debates measures for Indian pacification.
- July 20 Instructs John Adams on a convention with Britain on violations of the treaty of peace.
- July 23 Approves appointments of commercial agents to Morocco.
- July 25 Debates measures for pacification of western Indians.
- July 26 Debates measures for pacification of southern Indians; authorizes postal contracts; receives report on foreign loans.
- July 27 Orders report on formation of “a Confederacy with the powers of Europe” against the Barbary States; instructs Jefferson on consular convention with France.
- August 3 Debates southern Indian affairs.
- August 6–8 Fails to achieve quorum.
- August 9 Accepts South Carolina land cession; receives report on northern Indian affairs.
- August 10–31 Fails to achieve quorum.
- September 3–19 Fails to achieve quorum.
- September 20 Receives report of the Philadelphia Constitutional Convention.
- September 21 Reelects treasury commissioners Arthur Lee, Walter Livingston, and Samuel Osgood; reduces civil list.
- September 24 Accepts John Adams’ retirement (post February 24, 1788); receives report on Netherlands protest.
- 26–27 Debates Constitution submitted by Philadelphia Convention.
- 28 Resolves to submit Constitution to the states.
- 29 Receives report on prize money received by John Paul Jones; receives report on 1787 requisition.

- October 2 Receives report on foreign debt.
- October 3 Sets civil list and military establishment for Northwest territory.
- October 5 Elects Arthur St. Clair governor of the Northwest Territory, Winthrop Sargent, secretary; resolves that a treaty be held with the western Indians; receives report on U.S. embassy at London.
- October 8 Terminates federal proceedings in Massachusetts–New York land dispute.
- October 11 Ratifies John Adams' contract for Dutch loan; authorizes indents for loan office interest in payment of Continental quotas; directs payment of prize monies received by John Paul Jones.
- October 12 Authorizes ransom of American captives at Algiers; reelects Thomas Jefferson minister to France; receives Postmaster General report.
- October 13 Orders arrest of Lt. John Sullivan for jeopardizing American–Spanish relations; debates Virginia infringement of U.S. treaty obligations.
- October 15 Authorizes postal contracts.
- October 16 Elects John Armstrong, Jr., Samuel Holden Parsons, and James Mitchell Varnum judges of the Northwest Territory; commends John Paul Jones.
- October 17 Authorizes sale of the Carlisle barracks.
- October 18–19 Fails to achieve quorum.
- October 20 Appeals for North Carolina and Georgia land cessions; reduces postal rates.
- October 21 Authorizes sale of one million acres to the Ohio Company.
- October 22 Sets aside military bounty lands; authorizes treaty with the western Indians.
- October 26 Adopts instructions for holding Indian negotiations.
- October 29–31 Fails to achieve quorum.
- November 1–2 Fails to achieve quorum.
- November 5 New Congress assembles; five delegates attend, two states represented.
- November 6–30 Fails to achieve quorum.

December 3–31	Fails to achieve quorum.
January 1–19	Fails to achieve quorum.
January 21	Convenes—seven states represented.
January 22	Elects Cyrus Griffin president.
January 22–31	Fails to achieve quorum.
February 1	Reviews backlog of reports and letters.
February 5	Receives report on Massachusetts–New York boundary survey.
February 6–9	Fails to achieve quorum.
February 12	Authorizes secretary for foreign affairs to issue sea letters.
February 14	Sets date for reception of new French minister, comte de Moustier.
February 19	Elects John Cleves Symmes judge of the Northwest Territory.
February 25	Debates appointment of superintendent of Indian affairs for the southern department.
February 26	Holds audience for comte de Moustier.
February 28	Receives treasury report on foreign debt.
February 29	Appoints Samuel Provost and John Rodgers chaplains of Congress, and Richard Winn superintendent of Indian affairs for the southern department; debates Kentucky statehood motion.

List of Delegates to Congress

This section lists both the dates on which delegates were elected to terms falling within the period covered by this volume and the inclusive dates of their attendance. The former are generally ascertainable from contemporary state records, but the latter are often elusive bits of information derived from the journals of Congress or extrapolated from references contained in the delegates' correspondence, and in many cases the "facts" are inevitably conjectural. It is not possible to determine interruptions in the attendance of many delegates, and no attempt has been made to record interruptions in service caused by illness or brief trips home, especially delegates from New York, Connecticut, and New Jersey living within easy access of Congress. For occasional references to such periods of intermittent service as survive in the correspondence and notes of various delegates, see the index under individual delegates. Until fuller information is provided in a consolidated summary of delegate attendance in the final volume of this series, the reader is advised to consult Burnett, *Letters*, 8:lxxxiii–xcviii, for additional information on conjectural dates of attendance. Brief biographical sketches of all the delegates are available in the *Biographical Directory of the United States Congress, 1774–1989*, and fuller sketches of more than half of the delegates can be found in the *Dictionary of American Biography*.

CONNECTICUT

John Canfield

Elected: May 11, 1786

Did not attend Congress

John Chester

Elected: October 11, 1787

Did not attend Congress

Joseph Platt Cooke

Elected: May 11, 1786; May 10, 1787

Attended: August 27–31; September 20 to October 27, 1787; February 29, 1788

Pierpont Edwards

Elected: October 11, 1787

Did not attend October 1787 to February 1788

James Hillhouse

Elected: May 11, 1786; May 10, 1787

Did not attend Congress

Benjamin Huntington

Elected: October 11, 1787

Did not attend October 1787 to February 1788

William Samuel Johnson

Elected: May 11, 1786; May 10, 1787

Attended: January 17 to February 21; March 19 to May 2; May 30;
(attended Constitutional Convention June 2 to July 26, August 6 to
September 17); September 20 to October 12, 1787*Stephen Mix Mitchell*

Elected: May 11, 1786; May 10, 1787

Attended: January 17 to April 21, 1787; February 29, 1788

Jonathan Sturges

Elected: May 11, 1786; May 10, 1787

Did not attend November 1786 to November 1787

John Treadwell

Elected: May 10, 1787

Did not attend Congress

James Wadsworth

Elected: May 11, 1786

Did not attend in 1786–87

Jeremiah Wadsworth

Elected: October 11, 1787

Attended: January 21 to February 29, 1788

Erastus Wolcott

Elected: May 10, 1787

Did not attend Congress

DELAWARE

Gunning Bedford, Sr.

Elected: October 27, 1786

Declined

Isaac Grantham

Elected: November 10, 1787

Did not attend Congress

Dyre Kearny

Elected: February 3, 1787; November 10, 1787

Attended: March 1 to May 15; July 12 to October 27, 1787; January
21 to February 29, 1788*Nathaniel Mitchell*

Elected: October 27, 1786; November 10, 1787

Attended: January 18 to April 12; May 7–14; July 12 to October 27,
1787; January 21 to February 29, 1788*Thomas Rodney*

Elected: October 27, 1786

Did not attend in 1787

GEORGIA

Abraham Baldwin

Elected: February 7, 1787

Attended: November 5–10, 1787; January 21 to February 9, 1788

William Few

Elected: April 1, 1786; February 7, 1787

Attended: November 6 to December 4, 1786; January 17 to May 12; July 4 to August 3; September 20 to November 10, 1787 (attended Constitutional Convention May 19 to July 4, August 6 to September 17)

James Gunn

Elected: February 7, 1787

Did not attend Congress

William Houstoun

Elected: February 10, 1786

Did not attend November 6, 1786, to November 2, 1787

Henry Osborne

Elected: February 10, 1786

Did not attend Congress

William Pierce

Elected: October 9, 1786

Attended: January 17 to May 24; July 4 to August 1; August 27 to October 1, 1787 (Attended Constitutional Convention May 31 to July 1)

MARYLAND

Benjamin Contee

Elected: December 11, 1787

Attended: January 21 to February 29, 1788

Uriah Forrest

Elected: December 2, 1786

Attended: February 15 to March 8, 1787

William Harrison

Elected: November 24, 1785; December 2, 1786; December 11, 1787

Attended: November 24 to December 4, 1786

John Henry

Elected: November 24, 1785

Attended: November 6 to December 4, 1786

William Hindman

Elected: November 24, 1785; December 2, 1786

Attended: November 7–13, 1786

John Eager Howard

Elected: December 11, 1787

Attended: January 21 to February 29, 1788

Nathaniel Ramsey

Elected: November 24, 1785; December 2, 1786

Attended: November 6 to December 4, 1786; May 3–12, 1787

Richard Ridgeley

Elected: November 24, 1785

Did not attend Congress

David Ross

Elected: December 2, 1786; December 11, 1787

Attended: May 3–15; August 23 to October 19, 1787

Joshua Seney

Elected: December 11, 1787

Did not attend December 1787 to February 1788

MASSACHUSETTS

Nathan Dane

Elected: June 27, 1786; June 27, 1787

Attended: January 17 to October 27, 1787; February 21–29, 1788

Nathaniel Gorham

Elected: June 27, 1786

Attended: November 6–13, 1786; April 21? to May 24; September 20 to October 12, 1787 (attended Constitutional Convention May 28 to September 17)

Samuel Holten

Elected: June 27, 1786

Attended: June 21 to August 9, 1787

Rufus King

Elected: June 27, 1786

Attended: November 6–24, 1786; January 17 to May 18; September 20 to October 16, 1787 (attended Constitutional Convention May 21 to September 17)

Samuel A. Otis

Elected: June 27, 1787

Attended: November 19, 1787; January 21 to February 29, 1788

Theodore Sedgwick

Elected: June 27, 1787

Did not attend in 1787

George Thatcher

Elected: June 27, 1787

Attended: November 19, 1787; January 21 to February 29, 1788

NEW HAMPSHIRE

Abiel Foster

Elected: June 14, 1786

Did not attend in 1786–87

Nicholas Gilman

Elected: June 27, 1786; June 23, 1787

Attended: September 25 to November 20, 1787 (attended Constitutional Convention July 23 to September 17); January 21 to February 29, 1788

John Langdon

Elected: June 14, 1786

Attended: September 25–28, 1787 (attended Constitutional Convention July 23 to September 17)

Pierse Long

Elected: June 14, 1786

Did not attend November 1786 to November 1787

John Pickering

Elected: June 23, 1787

Did not attend Congress

Benjamin West

Elected: June 26, 1787

Did not attend Congress

Paine Wingate

Elected: September 29, 1787

Attended: February 11–29, 1788

NEW JERSEY

Lambert Cadwalader

Elected: October 28, 1785; November 7, 1786

Attended: January 17 to March 30; September 20 to October 29, 1787

Abraham Clark

Elected: November 7, 1786; October 31, 1787

Attended: November 20 to December 20? 1786; January 17 to October 29; November 13, 1787; January 21 to February 29, 1788

Jonathan Dayton

Elected: November 7, 1787

Attended: November 13, 1787; January 22 to February 29, 1788

Jonathan Elmer

Elected: November 7, 1787

Attended: December 15, 1787; January 21 to February 9, 1788

Josiah Hornblower

Elected: October 28, 1785

Attended: November 6–13, 1786

William Paterson

Elected: October 31, 1787

Declined

James Schureman

Elected: November 7, 1786

Attended: November 24, 1786; January 17 to April 11; April 21 to October 5? 1787

John Cleves Symmes

Elected: October 28, 1785

Did not attend in November 1786

NEW YORK

Egbert Benson

Elected: January 26, 1787; January 22, 1788

Attended: January 30 to March 6?; April 13? to May 31, 1787

Leonard Gansevoort

Elected: January 22, 1788

Attended: February 25–29, 1788

Alexander Hamilton

Elected: January 22, 1788

Attended: February 25–29, 1788

John Haring

Elected: February 24, 1786; January 26, 1787

Attended: November 6–24, 1786; January 10–12; March 9? to April 10; May 7–?; July 5 to October 29, 1787

John Lansing, Jr.

Elected: January 26, 1787

Did not attend in 1787

John Laurance

Elected: February 24, 1786

Attended: November 6–24, 1786; January 17, 1787

Ezra L'Hommedieu

Elected: January 22, 1788

Did not attend January–February 1788

Zephaniah Platt

Elected: February 24, 1786

Did not attend November 1786 to November 1787

Melancton Smith

Elected: February 24, 1786; January 26, 1787

Attended: November 6–24, 1786; January 17 to July 27; September 24? to October 29, 1787

Abraham Yates, Jr.

Elected: January 26, 1787; January 22, 1788

Attended: March 7–9? June 1 to October 8, 1787

Peter W. Yates

Elected: February 24, 1786

Did not attend November 1786 to November 1787

NORTH CAROLINA

John Baptiste Ashe

Elected: December 20, 1786; December 17, 1787

Attended: March 28 to May 10; August 13 to October 29, 1787

Timothy Bloodworth

Elected: December 9, 1785; December 16, 1786

Did not attend November 1786 to November 1787

William Blount

Elected: December 9, 1785

Attended: November 7 to December 4, 1786; January 17 to April 10; May 10 to June 16; July 4 to August 3; September 24–27, 1787 (attended Constitutional Convention June 20 to July 2; August 7 to September 17)

Robert Burton

Elected: December 9, 1785; December 17, 1787

Attended: September 13 to October 29, 1787

William Cumming

Elected: December 12, 1785

Did not attend 1786–87

Benjamin Hawkins

Elected: December 16, 1786; December 18, 1786; December 17, 1787

Attended: February 13 to June 16; July 4 to August 3, 1787

Charles Johnson

Elected: December 9, 1785

Did not attend Congress

Joseph McDowell

Elected: December 20, 1787

Did not attend Congress

Nathaniel Macon

Elected: December 9, 1785

Did not attend Congress

Alexander Martin

Elected: December 16, 1786

Did not attend Congress

Abner Nash

Elected: December 9, 1785

Did not attend Congress; died December 2, 1786

Thomas Polk

Elected: December 16, 1786

Did not attend Congress

John Stokes

Elected: December 17, 1787

Did not attend Congress

John Swann

Elected: December 20, 1787

Did not attend December 1787 to February 1788

James White

Elected: December 12, 1785; December 16, 1786; December 17, 1787

Attended: November 6–10, 1787; January 21 to February 29, 1788

Hugh Williamson

Elected: December 17, 1787

Did not attend December 1787 to February 1788

PENNSYLVANIA

John Armstrong, Jr.

Elected: March 24, 1787; November 13, 1787

Attended: April 18 to July 11; August 3 to October 29, 1787; January 21 to February 29, 1788

John Bubenheim Bayard

Elected: November 11, 1785

Attended: November 6–13, 1786

William Bingham

Elected: October 31, 1786; November 13, 1787

Attended: November 20–24, 1786; February 19 to March 9?; July 14?–26; September 24 to October 12, 1787

William Henry

Elected: November 11, 1785

Did not attend 1786–87

William Irvine

Elected: October 31, 1786; November 13, 1787

Attended: January 17 to April 13?; July 17 to October 29; December 19, 1787; January 21 to February 29, 1788

Samuel Meredith

Elected: October 31, 1786; November 13, 1787

Attended: November 20 to December 4, 1786; January 17 to March 9?; April 21? to May 31, 1787

Charles Pettit

Elected: November 11, 1785; October 31, 1786

Attended: November 6–13, 1786; April 9 to May 31, 1787

James R. Reid

Elected: November 13, 1787

Attended: December 19, 1787; January 21 to February 29, 1788

Arthur St. Clair

Elected: November 11, 1785; October 31, 1786

Attended: January 25 to February 16; March 9 to May 10?; July 17 to October 29, 1787

James Wilson

Elected: November 11, 1785

Did not attend 1786–87

RHODE ISLAND

Peleg Arnold

Elected: May 3, 1786; May 2, 1787

Attended: April 9 to May 15, 1787

George Champlin

Elected: May 3, 1786

Did not attend Congress

Sylvester Gardner

Elected: May 2, 1787

Did not attend Congress

Jonathan Hazard

Elected: May 2, 1787

Did not attend in 1787

Daniel Manton

Elected: May 2, 1787

Did not attend Congress

Nathan Miller

Elected: May 3, 1786

Did not attend 1786-87

James Mitchell Varnum

Elected: May 3, 1786

Attended: February 13 to April 26; May 23-25; July 26 to August 10;
October 18-27, 1787

SOUTH CAROLINA

Robert Barnwell

Elected: January 31, 1788

Did not attend January-February 1788

John Bull

Elected: February 16, 1786

Attended: November 6-13, 1786; January 17 to February 21, 1787

Pierce Butler

Elected: March 6, 1787

Attended: August 2-3?; September 22 to October 13? 1787 (attended Constitutional Convention May 25 to July 26, August 6 to September 17)

Nicholas Eveleigh

Elected: January 31, 1788

Did not attend January-February 1788

Daniel Huger

Elected: February 16, 1786; March 6, 1787

Attended: November 6-24, 1786; January 17 to April 13?; May 8-15;
June 1; July 4 to November 10, 1787; January 21 to February 29, 1788

John Kean

Elected: February 16, 1786; March 6, 1787

Attended: November 6-24, 1786; January 17 to February 21; May 29 to October 27, 1787

John Parker

Elected: February 23, 1786; March 8, 1787

Attended: November 20 to December 4, 1786; January 17 to February 21; November 5-10, 1787; January 21 to February 29, 1788

Charles Pinckney

Elected: February 16, 1786

Attended: November 6–13; December 4, 1786; January 17 to February 19, 1787

Thomas Tudor Tucker

Elected: March 23, 1787; January 31, 1788

Attended: December 18, 1787; January 21 to February 29, 1788

VIRGINIA

John Brown

Elected: October 23, 1787

Attended: November 20, 1787; January 21 to February 29, 1788

Edward Carrington

Elected: November 15, 1785; November 7, 1786; October 23, 1787

Attended: November 20 to December 4, 1786; March 26 to October 29; November 6–10, 1787

William Grayson

Elected: November 15, 1785; November 7, 1786

Attended: November 20 to December 4, 1786; February 5 to October 29, 1787

Cyrus Griffin

Elected: October 23, 1787

Attended: November 20, 1787; January 21 to February 29, 1788

Joseph Jones

Elected: November 7, 1786

Declined

Henry Lee

Elected: November 15, 1785; December 1, 1786; October 23, 1787

Attended: April 19 to May 10?; July 17 to October 29, 1787

Richard Henry Lee

Elected: November 15, 1785; November 7, 1786

Attended: July 9 to August 1?; September 24? to October 29, 1787

James Madison, Jr.

Elected: November 7, 1786; October 23, 1787

Attended: February 12 to May 2 (attended Constitutional Convention May 14 to September 17); September 25 to October 29; November 22, 1787; January 21 to February 29, 1788

James Monroe

Elected: November 15, 1785

Did not attend November 1786

Illustrations

Plan of the City of New York

endpapers

This plan was drawn by John McComb in 1789. Federal Hall, where Congress met from 1785 to 1789, is located at the intersection of Wall and Broad Streets, one block southeast of Broad Way.

Geography and Map Division, Library of Congress. G3804.N4 1789.M3.

Nathaniel Ramsey

23

Ramsey (1741–1817), brother of the delegate and historian David Ramsay, was born in Lancaster County, Pa., graduated from the College of New Jersey in 1767, studied law, and went into practice in Cecil County, Md. Active in the resistance movement against British policies on the eve of the revolution, Ramsey was a delegate to the fourth, fifth, and sixth Maryland Conventions of 1775 and was commissioned a captain in Smallwood's Maryland Regiment in 1776. He saw action in the Long Island–New York campaign, became lieutenant colonel of the Third Maryland Regiment in December 1776, and was taken prisoner at the Battle of Monmouth on June 28, 1778. Following his exchange in December 1780, Ramsey retired from the army and resumed the practice of law. He was elected to the Maryland Assembly in 1785 and as a delegate to Congress, 1786–87. In Congress, Ramsey somewhat reluctantly joined those who opposed the Jay-Gardoqui proposals for restricting American rights to navigate the Mississippi River, attacked state paper money schemes, urged measures for strengthening public credit, and supported the movement for reforming the federal government. Defeated in his effort to gain election as a Federalist to the First United States Congress, Ramsey was appointed by Washington United States marshal for Maryland in 1790, serving to 1798, and naval officer of the port of Baltimore in 1794, an office he held until 1817.

Painting by Rembrandt Peale. Independence National Historical Park.

William Bingham

39

Bingham (1752–1804), the son of a Philadelphia merchant, earned B.A. and M.A. degrees from the College of Philadelphia by 1771, entered the mercantile house of Thomas Wharton, and made a grand tour of Europe in 1773 during which he developed valuable commercial connections. In 1775 he became secretary to the congressional committee of secret correspondence, which the following year, under the chairmanship of Robert Morris, appointed him Continental agent

to Martinique to manage United States trade with the French West Indies. Uniquely positioned as Continental agent and a partner in the Philadelphia firm Willing & Morris, Bingham quickly amassed a fortune and returned to Philadelphia in 1779 one of the richest men in America. He married Anne Willing in 1780, became one of the founders and directors of the Bank of North America, whose president was his father-in-law Thomas Willing, and began investing in real estate, which led most notably to the founding of Binghamton, N.Y., and Bingham's acquisition of two million acres of Maine timberland. Bingham made a second grand tour of Europe in 1784–86, returning to a political career as a delegate to Congress, 1786–88, a member of the Pennsylvania Assembly, 1790–95, and a United States senator, 1795–1801. As a delegate to Congress, Bingham was particularly interested in increasing the authority of the federal government, supported the ratification of the Constitution, and worked to return the national capital to Philadelphia.

Engraving by A. H. Ritchie. Prints and Photographs Division, Library of Congress (LC-USZ62–39440).

Arthur St. Clair

80

St. Clair (1736–1818) was born in Scotland, acquired an ensigncy in the British army, and served with General Amherst in Canada during the Seven Years War. In 1760 he married Phoebe Bayard of Boston, whose legacy from her mother, Mary Bowdoin, enabled him to purchase a 4,000-acre estate in Pennsylvania's Ligonier valley after he resigned his commission in 1762. St. Clair acquired administrative and judicial experience, as well as knowledge of Indian relations, as an official of the proprietary government of western Pennsylvania during the early 1770s, and he was given a colonel's commission and was a participant in the Canadian expedition in the opening phase of the war for independence. St. Clair served with Washington at the battles of Trenton and Princeton and rose to the rank of major general, but as the commander of Fort Ticonderoga at the time of its evacuation in 1777 he found that he was suspected of disloyalty and never was entrusted with a major command during the remainder of the war. He entered Pennsylvania politics as an anti-constitutionalist after returning to civilian life and was elected to the council of censors in 1783 and a delegate to Congress in 1785 and 1786, serving as president from February to October 1787, when he was elected governor of the Northwest Territory. His territorial administration was marked by controversy, and he suffered an overwhelming defeat at the hands of the Indians in 1791, but he retained his post until 1802 when he was removed amid charges of undemocratic conduct and opposition to Ohio statehood. In Congress St. Clair played a significant role in the debate on the Jay-Gardoqui negotiations, supporting Jay's efforts to negotiate commercial concessions from Spain in return for American sus-

pension of demands for the use of the Mississippi River. The extensive notes he took on the debate, published in these Letters for the first time, are an important source of new information on the controversy.

Painting by Charles Willson Peale. Independence National Historical Park.

Daniel Huger

195

Huger (1742–99), a South Carolina rice planter, was educated in Charleston and in England, failed in an early try for public office in 1773, but won election to the South Carolina House in 1778 and 1779. He was a member of the Privy Council at the time of the fall of Charleston in 1780 and escaped with Governor John Rutledge to help maintain the state's civil government through the crisis of occupation. He returned to the city several months later, however, accepting British protection and taking an oath of allegiance to the king. Despite this suspect move, Huger's property escaped confiscation and he was subsequently elected to the South Carolina Senate, 1785–86, to the Privy Council, 1785–87, and as a delegate to Congress, 1786–88. In Congress, Huger was one of the more inconspicuous members, receiving only three routine committee assignments and making but a single motion in approximately two years of attendance, although he did execute the deed of cession of South Carolina's western land claims delivered August 9, 1787. He ended his public career as a Federalist representative to the First and Second United States Congresses, 1789–93.

Engraving by Max Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54682).

Abraham Yates

321

Yates (1724–96) was born in Albany, N.Y., the grandson of Dutch immigrants. A lawyer, surveyor, and land speculator, he was sheriff of Albany, 1754–59, and served many terms on the Albany Council from 1754 to 1773. Yates was a radical whig during the prerevolutionary decade, serving as chairman of the Albany committee of correspondence, 1774–76, a member of all the New York provincial congresses and conventions of 1775–77, and a state senator, 1778–90. As the author of a number of "Rough Hewer" essays, he became known as a defender of New York state sovereignty and an opponent of schemes for strengthening Congress, to which he was elected as an Anti-Federalist in 1787–88. He attacked the proposed Federal Constitution and fought against its ratification but nevertheless was selected a presidential elector pledged to Washington and Adams in 1792. From 1790 to his death Yates was the mayor of Albany. From his seat in Congress, Yates denounced the secret proceedings of the Philadelphia Convention and fanned the fires of suspicion in order to ensure New York's rejection of the convention's proposals for a new and stronger federal government.

Engraving by Max Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-54692).

Pierce Butler

385

Butler (1744–1822) was born in Ireland, the third son of a baronet and a member of the Irish parliament. He pursued a career in the military and attained the rank of major in the British army, seeing service in America from 1758. But in 1771 he married Mary Middleton, daughter of Thomas Middleton of South Carolina, and thereafter made her country his home, resigning his commission in 1773. Although he subsequently devoted much of his energies to his plantations, Butler served as a justice of the peace, sat in the South Carolina assembly in 1778–82 and 1784–89, was adjutant general of the state's militia in 1779–80, and in 1787 was elected a delegate to both the federal Congress and the Constitutional Convention. A man of somewhat aristocratic disposition, Butler nonetheless championed upcountry proposals for debtor relief, reapportionment of the South Carolina legislature, and removal of the state capital inland—and he was often viewed suspiciously for his independent and imperious behavior. He was a vigorous proponent of strengthening the federal government, urged ratification of the new constitution, and served as a Federalist United States Senator in 1789–96 and 1803–4. After the death of his wife in New York in 1791, Butler's ties to South Carolina weakened. He sold most of his Carolina lands and spent his last years in Philadelphia where he died in 1822.

Engraving by Albert Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-52391).

William Grayson

395

Grayson (1742–90) was born in Prince William County, Va., was educated at the College of Philadelphia and in England, studied law, and established a practice at Dumfries, Va., before the outbreak of the revolution. He was commissioned a lieutenant colonel and appointed aide-de-camp to General Washington in 1776. Promoted to colonel, he saw action during the campaigns of 1777 and 1778 and was appointed a commissioner of the Continental Board of War after resigning from the army in 1779. Grayson served in the Virginia House of Delegates in 1784–85 and 1788, as a delegate to Congress, 1785–87, and in the United States Senate from 1789 until his death the following March. In Congress, he played a significant role in the development of western land policy and opposed the efforts of John Jay and Gardoqui to restrict American rights to navigation of the Mississippi River. He feared that efforts to strengthen the federal government would enable northern interests to curb western development and assure their permanent dominance. Grayson opposed ratification of the new constitution as a member of the Virginia ratifying convention of

1788 and was elected with Richard Henry Lee as an Anti-Federalist to the First United States Senate.

Watercolor on ivory by an unknown artist. Original miniature owned by Mrs. Camilla Hoes Pope, Stafford, Virginia.

Nicholas Gilman

499

Gilman (1755–1814) was the son of Nicholas Gilman, an Exeter, N.H., merchant and state treasurer, and the brother of John Taylor Gilman, who had served as a delegate to Congress in 1782–83. He was a captain and assistant adjutant general in the New Hampshire Line during the war for independence, and commanded a detachment of New Hampshire militia called out to quell a threatened insurrection by paper money advocates in 1786. He served as a delegate to Congress, 1787–89, and with John Langdon represented New Hampshire at the Constitutional Convention in Philadelphia. Arriving late to the Convention (July 23, 1787), Gilman played an inconspicuous role in its proceedings, but strongly supported the Constitution's ratification. He subsequently served as a Federalist in the United States House of Representatives, 1789–97, and in the Senate, 1805–14.

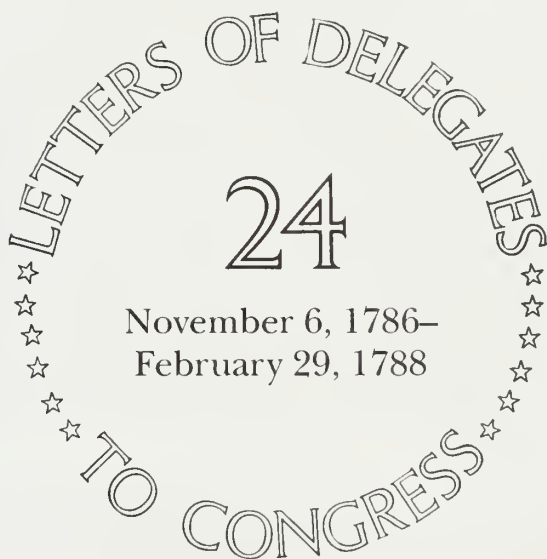
Etching by Albert Rosenthal. Prints and Photographs Division, Library of Congress (LC-USZ62-7650).

William Irvine

623

Irvine (1741–1804) was born in Ulster, Ireland, educated at Trinity College, Dublin, studied medicine, and served as a surgeon in the British navy during the Seven Years' War. After the war he migrated to Pennsylvania and took up the practice of medicine in Carlisle, where he subsequently assumed an active role in opposition to the Coercive Acts against Massachusetts, becoming an early advocate of American independence. He raised and commanded the Seventh Pennsylvania Regiment of the Continental Line and was captured at Three Rivers during the Canadian campaign in 1776. Exchanged in 1778, he was promoted to brigadier general the following year. He served as the commander of Fort Pitt from 1781 to the end of the war, gaining extensive experience in Indian relations and western affairs, and in 1785 he directed a study for determining the allocation of military bounty lands north and west of the forks of the Ohio River. He was elected a delegate to Congress, 1786–88, to the Pennsylvania state constitutional convention of 1790, to the United States House of Representatives, 1793–95, and he played a role in quelling the Whiskey Rebellion in western Pennsylvania in 1794. He subsequently moved to Philadelphia and ended his days there as superintendent of military stores, 1800–1804. In Congress, Irvine was particularly interested in issues related to the survey, settlement, and administration of western lands and the pacification of the Ohio frontier as a prelude to development of the region.

Painting by J. R. Lamden. New-York Historical Society.



William Blount to Richard Caswell

Sir

New-York Novr. 5th [i.e. 6th]. 1786¹

I arrived here Last Night and to day I have seen the Comrs. of the Treasury who inform me that they wrote your Excellency some Time past respecting the Tobacco belonging to the State of North Carolina in which they had informed you that they had not received a better offer from any other hand than those made by Morris and Romaine and that as the Council of North Carolina had Resolved that neither of their Offers ought to be accepted it was not in their power to do any thing with it. The Secy. of the board has promised to give me a duplicate of the Commissioners Letter, and if he does I shall forward it by this or the first Conveyance that offers after I receive it.² At present there are only Members of Congress enough in Town to represent four or five States. When there will be a sufficient number to form Congress I can form no opinion. Mr. Nash Yet continues much indisposed and I fear will not shortly be able to Attend Congress. This makes it more essentially necessary that some other of the Gentlemen in the Delegation should come on without delay which I hope will be the Case.³

I have the Honor to be, Your Excellencys Most Obedient humble
Servant,
Wm. Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ This letter was clearly written on Monday, November 6, when Blount would have conducted business with the treasury commissioners, rather than on Sunday. Moreover, Blount noted in his letter to Caswell of November 7 that "I had the honor to address Your Excellency yesterday by Mr. Cutting," and in his November 16 letter to Caswell "I arrived here on the 5th Instant and did myself the honor to address a letter to You on the 6th." Ibid.

² This October letter from the treasury commissioners to Governor Caswell is in *N.C. State Records*, 18:761. The secretary of the board of treasury was William Duer.

³ In fact, Abner Nash died December 2 and his replacement, Benjamin Hawkins, did not join Blount until February 13, 1787. See *JCC*, 32:44-45; and Blount to Caswell, December 7, 1786.

South Carolina Delegates to William Moultrie

Sir

New York [post November 6, 1786]¹

The Delegation had the pleasure of writing you lately by Mr. Edward Rutledge and enclosed several recommendations and resolutions of Congress, particularly that of a requisition for supplies.² By the enclosed schedule³ you will find our State is called upon for

74,937 52/90 Dollars in specie and 103,015 dollars in Indents or Certificates of interest on the domestic debt as the balance due from her on the requisition of the 2d August last.⁴ The board of treasury will state the debits and credits to accompany the requisition, by which you will find that our State has not had full credit on account of her supplies furnished the Southern Army; Congress conceiving that her agreement with the late Superintendant of finance did not authorize the crediting her on the existing requisitions, more than her quota of the 30th October 1781 for eight millions of Dollars, which amounted to 373,598⁵—the overplus of supplies it will be contended must be carried to her credit in the general account. This you will clearly discover to be the intention of Congress by inspecting the journals, where notwithstanding all our endeavours to be credited to the full amount on the present requisition, they confined the credit to the balance due on that of the 30th October 1781. The accompanying state will shew the sum, that still remains uncredited, and we conceive the claim so just and well founded, that we think it necessary to submit to the Legislature the propriety of applying to Congress for the purpose of admitting it as a Credit on the present requisition. The estimate inserted in the demand for supplies, fully shews the amount of the foreign and domestic debt, with the interest thereon, and the other purposes for which money is wanted. A schedule of the foreign loans shewing the period of their redemption and the annual interest payable thereon is also enclosed. The approach of the time at which these will become due and the importance of maintaining our Credit abroad, should foreign invasions or domestic convulsions make farther loans necessary, are too obvious, and too interesting to our welfare as a nation, not to demand the early and serious attention of every Member of the Union. On the 20th of October from a conviction of the necessity of the measure, and that the present situation of the confederacy required it, Congress resolved to increase their forces to 2,040 men. The resolutions stating the reasons is enclosed, and on the 21st they pass'd a requisition for 530,000 Specie dollars for the purpose of paying the expences of raising and equipping them.⁶ The board of treasury are directed to open loans for raising the money as expeditiously as possible, and this requisition is a fund solemnly appropriated to discharge them. As the reasons which have induced this measure are of the most important and interesting nature, Congress have a high confidence in the attention of the several legislatures and trust their best exertions will be used to pay the sums respectively required of them on the last named requisition into the federal treasury by the time therein assigned. The quota of South Carolina is 33,973 Dollars in Specie and the time for paying it, the 1st day of June 1787.

Some attempts have been made by States, particularly Rhode-Island and New Jersey to make their paper currencies receivable on arrears

of federal taxes, but as nothing but Specie can be applicable to the maintenance of the federal government and the payment of our foreign demands, on the 18th of September, Congress declared that no other payments ought or could be made in discharge of the Specie proportions of a requisition, and on the 20th directed no other money to be received in the several post offices.⁷ It will however be still in the power of any State to negotiate with the board of treasury in produce, who will always allow them credit for it's net proceeds in specie, either here, or in Europe.

We have received intelligence from Mr. Barclay, that he has concluded a treaty with the Emperor of Morocco⁸—as soon as it shall arrive, or we shall be able to know the terms, they shall be transmitted. The only beneficial effect this treaty can have, is to acquire the influence of Morocco in assisting us to obtain treaties from the other piratical States, for until a peace is concluded with Algiers and the regencies of Tunis & Tripoli, our trade will still continue exceedingly unsafe in the Mediterranean and indeed in the Ocean as far as the Western Islands the Moorish cruisers having been there the last summer.

It is said and we apprehend there is no doubt of it, that a treaty is also concluded with Portugal—this will be probably here in time to transmit at the opening of our next session of the Legislature.

The Secretary has enclosed you, and a copy accompanied our last dispatch of a recommendation to the legislature to pay to the officers of our late federal line certain months pay due them in 1782 and 1783 which ought long since to have been paid them out of the treasury here.⁹ It's exhausted state and the little prospect of it's improving, induced us to wish a recommendation to the State to provide the sums due and deduct them from her Specie proportion of the requisition—it can make no difference to her and will no doubt be a convenience to the gentlemen concerned. We wish however that the sum provided may be immediately made known to us, that a proper credit may be obtained in the Books of the Treasury.

The intelligence from the Indian nations northwestward of the Ohio, co-operating with that we have received of the intentions of the southern Indians induce us to suppose, that unless timely exertions are made to prevent it, a general Indian War may soon take place. Tho' our State or it's frontier Inhabitants are no[t] such exposed to the effects of their hostility as their neighbours, it is yet more than possible, if the operations of the southern Indians are well concerted and supported, that we may in some degree be affected. Should this be the case, we shall be much obliged to you for the earliest information, as in the event of a general combination it may not perhaps be improper to request the federal interposition and to make the protection of the southern frontiers, and the repression of the Indians a *casus foederis*. Upon this subject however it will be necessary to wait

the decision and instructions of our constituents and we sincerely hope that the calamities of an Indian war may not be added to the distresses that must have been consequent to the repeated losses they have sustained from inclement seasons and other accidents.

The last delegation submitted to the Legislature, the necessity of conforming their representation to the direction of the Confederation, and the recommendations of Congress on that subject.¹⁰ We beg leave again earnestly to recommend its adoption to the legislature at their next session as a thing highly necessary. The several recommendations of Congress are enclosed to be laid before the house and independent of the reasons therein contained we beg leave to remark that in our opinion strictly speaking no member of the union has a right to appoint their delegates in any other manner than that stated in the confederation, more than a county in an individual State can vary the mode of electing it's Members, from the one established in their Constitution; it might therefore be in the power of any Member to object to our sitting under Credentials until February, as unconstitutional, and to place us in an inconvenient situation by questioning our right to act as Members. Besides there is another reason which ought in our Opinions to operate strongly with the legislature in inducing them to conform to the recommendation—it is, that until their members are elected, as the other members are to sit from November to November, a Delegate from South Carolina, never can or will be elected President, however qualified one of them may be to fill the chair, or the house desirous to appoint him—for his credentials only authorizing him to sit until February and the president being appointed for a year, those members only will be elected whose times of service are coexistent with the presidency. It can never we are sure be the intention of the legislature to subject their Delegates to this inconvenience, but must be their wish to see the Chair filled in it's turn by a Delegate from South-Carolina. To admit of this taking place in future and to remedy the inconveniences of a different mode of election from the other States, we take the liberty of recommending that the ensuing election of delegates be only made until next November, and then an appointment be made to take their seats from the first Monday in November agreeable to the Confederation. When this is done your delegates will sit in Congress upon equal terms with those of the other States, but until then, they will be always under the inconveniences we have stated. If there should not be a probability of the house's sitting in September or some time in the summer, the inconvenience of not having a delegation is easily obviated by making two elections in February, one to sit until November and another from that time for a year. This as it is the surest, would in our opinions be the best way, and was adopted by several of the States when they conformed their Delegations to the recommendation.

On the 23d of October Congress again presented to the view of some of the Legislatures, the recommendation of the 30th April 1784 respecting Commerce.¹¹ It still remains with the States of New Hampshire and North-Carolina so to conform their Acts as to enable the United States to exercise the powers therein requested—and with the legislatures of Connecticut, Pensylvania, Maryland & South-Carolina so far to amend their Acts as to vest the powers for fifteen years from the time they shall begin to operate. We have no doubt our legislature will very readily conform their Act—indeed, such is the critical and important situation of the federal government, that unless farther powers are given and the States can be brought into some general and certain system of revenue, the most serious consequences are to be apprehended. It remains with the States of Pensylvania and New-York to bring the impost part of the revenue system of the 18th April 1783, into Action, and we hope that the knowledge they have of the situation of the Confederacy, and their affection and attachment to it, will induce them to conform and assent so as to give it operation.

Congress have it in contemplation to recommend to the several States, an investiture of additional powers to the Confederation—a report of a Grand Committee on this subject, has been the order of the day for some time and will be taken up as soon as the present Congress shall be sufficiently full to act upon it with effect.¹² As the alteration and strengthening the federal Constitution is a work of great Consequence, so it ought to be of much deliberation—it will therefore be weighted with all the attention a subject of such importance demands, and we think that in the end such a system will be presented to the States, as their legislatures will with pleasure assent to, under a thorough conviction that the situation of the union made it necessary for Congress to recommend, and for them to confirm a government, more efficient and more productive of the benefits expected from our union. The present system being defective, it is the duty of Congress to point to their Constituents the mode of remedying it. Being placed in the Administration, their experience will enable them to form a more competent opinion as to it's operation. The plan we have alluded to contemplates a grant of general Commercial powers—a mode of rendering the States more attentive to the requisitions of Congress, by certain powers of collecting taxes where the States do not pass legislative Acts for the purpose in the time required—a clause establishing a mode by which powers not delegated under the Confederation may be obtained, and the assent of a given number of the States bind the Confederacy as effectually as if the powers had been granted and confirmed by the legislatures of all the States. This would prevent the evil we have for some time experienced of one or two States defeating the intentions and wishes of the whole—a power to erect a federal judicial Court, and an Article to oblige the States to

keep up a representation and to prevent a Delegate's leaving Congress without leave after he has taken his seat—the great inconveniences which have frequently arisen from the want of a sufficient representation makes this absolutely necessary. These are the outlines of the plan which will engage the attention of Congress in the course of it's present session. There are other Articles tho' of subordinate Consideration, and some that are not at this time included but which may present themselves before the system is sufficiently matured to be transmitted to the States. We have thought it necessary to mention this report and the intention of Congress to the Legislature, for two reasons—one is, that it will enable them individually to consider and examine the propriety and motives of the recommendation before it arrives and give time perhaps to suggest alterations and amendments that have escaped the notice of the Committee—in subjects of this magnitude the more time that is given to examine the question, the better in general will be the judgment that is formed upon it's investigation. Another reason is, that it will evince an attention on the part of Congress, to the means of strengthening the fœderal government; a subject which has been for some time generally convers'd of, and confessed to be necessary, by all who are acquainted with the true interests, or wish the welfare of these States.

The definitive treaty of peace with Great Britain and the measures necessary to be taken in order to bring our interfering claims with that power to a settlement, will require much attention in Congress and the different legislatures. Upon our Minister's presenting a Memorial touching the surrender of the posts which they hold on our frontiers—pressing an adjustment of the negroes or their value that were carried away contrary to the treaty, and for some other purposes respecting it, the british Secretary of State returned an answer, enclosing a recapitulation of all the Acts which have been passed by the several States and which they assert to be contrary to the treaty—Such as those which provide for the recovery of old debts by instalments—Such [as] declare no interest shall be recovered during the war on british debts—Such as allow Actions to be brought for trespasses committed by those who were with the enemy—and the tender laws &c. &c. all of which have been published in the papers.

These communications were referred to the Secretary for foreign affairs for his report and opinion, as belonging to that department. He has since made a report incorporating at full length every thing that has been done in this business between the two powers, respecting what they have mutually asserted to be breaches of the treaty and including all the Acts passed by the several States against which they complain, either on account of forfeitures, debts, trespasses or disabilities. The report of the Secretary is now under a reference to a Committee.¹³ As soon as Congress come to decision on this business we shall transmit it with such observations as shall be then necessary fully

to inform the legislature of the motives that have induced, and the consequences that are expected from it.

While on this subject it may be proper to observe that Congress on the ninth of August passed a resolution directing the Secretary for foreign affairs to transmit to the executives of the several States concerned, lists, of the numbers, names and owners of the negroes carried away in contravention of the treaty.¹⁴ We hope this list has been received in our State, and should any instructions be necessary on the subject, we shall receive and execute them with pleasure.

We observed in our last dispatch, that an Ordinance had been passed for the settlement of the accounts between the United States and individual States, which, though it might expedite, and go farther to produce and [an] adjustment of those claims than the former regulations, did not in our opinions compleatly cover the equitable demands of our State arising from her assumptions of debts due to her Citizens for supplies furnished for the use of the United States.¹⁵ We are still of this opinion and think that for all the assumptions made of well founded Claims, the State ought to be suffered to stand in the place of the individual, and to enjoy the benefits he would have done, had no such assumption been made. This would entitle her to receive a Certificate for the amount when ascertained, and discount the interest, on that part of the annual requisitions for supplies which is called for in Indents. But it is contended on the other hand, that as these assumptions were made without the authority of Congress, and their liquidation by the State, prevented an examination by the federal Commissioner into the propriety of the charges and of course injured the United States, that the amount when ascertained can only be admitted as a charge in the general account and not be considered as a part of the liquidated debt upon which Certificates of interest are receivable and discountable in taxes: they also oppose the Claims of the United States against us on account of their specific requisitions, to our demands for Supplies. But we still trust when they consider the situation of our State at the time these specific demands were made, they will suppose they must have originated in a want of information as to our being then invaded, and of course are improper to be insisted upon. But upon inspecting the journals at the time, we made an attempt to have this Ordinance passed upon such general and equitable terms as would have embraced all our Claims and done equal justice to both parties. You will find that they made an attempt to include their Claims on account of the greater proportion of Soldiers they had in the field, than the Southern States, and an account of the expences of the Penobscot Expedition and the redemption of the Old Continental money. These are always opposed to our Assumption claims and are the reason the Ordinance was not sufficiently comprehensive to have included them in the way we wished. We shall however continue upon every proper occasion to urge them, and hope ulti-

mately to have these Claims placed upon those terms of fairness and equality we conceive them entitled to.

We mentioned to the last legislature the importance of having a federal rule established for ascertaining the quotas of the several States¹⁶—the mode prescribed by the Confederation being supposed impracticable, Congress recommended another under their resolutions of the 18th April 1783. Our State though it has passed an Act for assenting to such an alteration of the Confederation as will effect it, has hitherto postponed transmitting a compleat enumeration of all her inhabitants. The one made and sent some Years since is so incomplete and partial as to be of no service in enabling Congress to ascertain her true quota. We therefore recommend that measures may be taken to obtain, and send on as soon as it can conveniently be done a compleat return of all the Whites and blacks in the State. By the enclosed list it appears that a majority of the States have already made returns, and there is reason soon to expect them from those which have not.

It appears from our payments into the common treasury that 72,212 58/90 Dollars were paid at different periods in specie. We wish Your Excellency to send us duplicates of the receipts given for this Money, as it is necessary we should be informed whether the same was paid by us in discharge of our quota of the requisition of October 16th 1782 for 2 Millions of dollars, or for that of the 30 October 1781 for 8 Millions. We are of opinion that a discharge of our quota on the last mentioned requisition, we are entitled to a Credit on our supplies, and that the specie payments abovementioned ought to have been carried to our Credit on the other requisition upon which there is a balance due from our State.

By a communication from the Board of Treasury we find that the Indents to be issued for interest on the liquidated debt of the United States in the hands of our Citizens have not yet been transmitted to our Loan Officer. Upon enquiring into the reasons of this delay they inform us, that they have not until lately been able to obtain any tolerable degree of information as to the state of the Loan-Office debt in South-Carolina, owing to the loss of the Check books, and other papers belonging to that Office. That with respect to the Loan-Office debt, they have made such communications to Congress as will shew that Loan-Office Certificates have been issued from the Office of South-Carolina in such a manner as not to justify in their opinion the issue of Indents of interest on them, until the account of the late Commissioners of the loan-office are adjusted and reported on.¹⁷ This they say shall be immediately done and they conceive it may be finished in two or three months at the farthest.

The indents for interest on the 232,047 20/90 in Certificates issued the Officers of the late South Carolina line they say shall be forwarded

by the first safe opportunity to the Loan Officer. It will be recollected that the indents for interest issued either on the above or any other liquidated debt of the United States due to our Citizens, can only be received in discharge of our quota of the requisition of the 4 September 1782, which is still open and amounts to 72,000 Dollars. Our State is already credited for their Quotas of the requisitions of the 27th & 28th April 1784 and 27th September 1785.

As an adjustment and report on the Accounts of our late Loan officers seem in the opinion of the treasury board necessary premiums to the issue of indents on our loan office Certificates, it might be proper for your Excellency to mention it to these Gentlemen, that their Accounts may be ready for settlement.

In our last we mentioned that the Agents had written you fully respecting the proceedings of Congress in our territorial controversy with the State of Georgia.¹⁸ Should the Commissioners appointed to negotiate an amicable compromise not succeed in the attempt, and a federal Court be ultimately necessary, we shall be obliged to you for the earliest and fullest intelligence and instructions, in order that proper measures may be taken for convening the Court at the time and place appointed. Several of the Judges have accepted their appointments and will attend, if informed that the cause will be tried—in that event there can be no doubt of a very respectable Court's being convened.

The Gentlemen who were here lately of Counsel for our State were fully acquainted with the nature of the evidence which will be necessary and allowed to be produced to the Court. Transcripts and Exemplifications of all records and public Acts of the former or present Governments will be admitted, and the general rules of Common law evidence pursued in most respects. No ex parte evidence allowed unless by agreement of the parties—in every cause of this kind to prevent unnecessary trouble and expence, some agreement of this sort must be proper, and will therefore we suppose be the case in this instance, should a trial be had.

We expected long before this to have informed you that Congress had compleated their political arrangements in the Western Territory by extending to it's Inhabitants the influence of the federal Government. This was nearly compleated some months since.¹⁹ The general principles and outlines of the system were agreed to, [a disa]greement in opinions as to the time and principles upon which they shall be admitted to a seat and vote in the federal Council prevented it's being finished and carried into execution. Some are of opinion that so many inconveniences and injuries already arise to the union from a number of small States having an equal vote in the Affairs of the federal Government with the largest and most important, that no new State ought to be admitted to a vote, until it possesses a number of In-

habitants equal to the one thirteenth part of the Inhabitants of the original States. Others think that if they are to compose a part of the union, they must and ought to be admitted when possessing a number equal to the least numerous of the original States, otherwise it will be to them a government of inequality and oppression—for supposing the United States to contain 3 millions of Inhabitants, if the first principle prevails one of these States might have upwards of 200,000 and still not have a vote. Consequently she will be governed and taxed by the votes of States not having one fourth of her inhabitants or resources, and be extremely uneasy under the operation of a system in the conducting of which she is not allowed to participate, tho' obliged to contribute to it's support. And there are not a few who assert that under the Confederation, Congress have no right to admit any of them, as Members of the Union and entitled to a voice in their government until a reference has been made to the States and their assent first obtained—that until this is done, their Government must be a Colonial one. We shall take up the matter again in the present Congress and hope to be able to inform you of it's soon being perfected, and the officers appointed—for the situation and circumstances of that Country call loudly for some establishments.

Our foreign negotiations with Spain and Britain are still unfinished, nor can we form any opinion as to the time by which we may expect their conclusion.

We shall be always glad to be favored with your dispatches either by post or water. The Contract for transporting the Mail by Stages will be concluded for the next year²⁰ and we hope will operate as an inducement to the more perfect establishment of those Carriages in our State and it's neighbours. The convenience of having them made the southern Members anxious to direct the post Master General to Contract for the Mails being conveyed by them, and we have no doubt they will answer our expectations.

Signed	Charles Pinckney	Daniel Huger.
	John Kean	John Parker.
	John Bull.	

PS While on the subject of the settlement of the accounts of the late loan-officers of our state we omitted mentioning a circumstance which may not have occurred to the state, but which is of great importance to them, as very large sums of money in loan-office certificates were from time to time remitted them, for which the state is debited in the books of the treasury of the United States, it is that agreeable to the resolution of the 3d October 1776 instituting the said offices—the appointment of the officers are given to the states respectively who are to be responsible for the faithful discharge of their duty in the said of-

fices, so that whatever deficiency there may be in the settlement of those accounts it will be charged to the State.

We also beg leave again to present to the view of the State, the propriety of their taking some measures respecting the paying into the federal treasury their quota of the old continental money. It amounts to 21,950,000 dollars & we apprehend a very inconsiderable sum of specie or bills of credit of equal value, well laid out, would bring the whole very soon into the treasury—so great is it's present depreciation. We conceive it necessary to mention this as several of the states are taking measures at present to sink their quotas.

Tr (ScCoAH: Governor's Messages). In a clerical hand, and dated only "November 1786" by Charles Pinckney, who also added the five delegate signatures, the postscript, and the endorsement "Copy of an official letter which at the request of the delegation I transmitted by the Mercury Captain Tinker." Also endorsed, in a clerical hand: "Duplicate of Official letter by the Brigantine Mercury, Captain Tinker. No. 1. to be laid before the House."

¹ Date conjectured from Pinckney's endorsement and internal evidence. The letter was probably written soon after the adjournment of the Congress of 1785–86 on Friday, November 3, and clearly before "the present Congress" was "sufficiently full" to act upon the Grand Committee report on augmenting congressional powers that was carried over to the new Congress of 1786–87 (note 12 below). The most recent congressional developments discussed were the reading of a Thomas Barclay letter on November 2 (note 8) and the referral on November 3 of the mail contract to the new Congress (note 20). The evidence of the delegates' signatures is ambiguous, not only because they were added by Pinckney but also because the last date they attended together in November was the 3d (*JCC*, 31:921–23). Moreover, John Parker was absent when Congress met November 6, 7, and 13, John Bull and Pinckney did not attend when Congress assembled on November 20 and 24, and Congress did not achieve a quorum until January 17, 1787 (*JCC*, 31:928, 930–31, 32:1).

² See South Carolina Delegates to Moultrie, October 16, 1786.

³ None of the enclosures with this letter has been found.

⁴ In fact, the 1786 requisition adopted August 2 listed South Carolina's quota as \$139,017 in specie and \$103,015 in indents. But its previous credit in the treasury amounted to \$35,916 and the delegates were including here an additional more recently credited sum of \$28,163 38/90 for supplies furnished the southern army. Cf. *JCC*, 30:361, 31:462; PCC, item 141, 2:435; and South Carolina Delegates to Moultrie, October 16, note 2.

⁵ See *JCC*, 21:1090.

⁶ *JCC*, 31:891–95.

⁷ *Ibid.*, pp. 662–64, 674–75.

⁸ Thomas Barclay's letter of July 31 had been read in Congress on November 2. See *JCC*, 31:923n; and PCC, item 91, fols. 156–57.

⁹ See Charles Thomson to Certain States, October 13.

¹⁰ The letter submitted by "the last delegation" has not been found, but the delegates—Bull, Kean, Pinckney, Jacob Read, and David Ramsay—apparently reminded the South Carolina assembly that its practice since 1783 of electing delegates in February to serve for a full year violated the 5th Article of Confederation specifying that service would begin "the first Monday in November." The assembly altered its policy in March 1787 by electing three delegates to serve "until the first Monday in November next, and no longer." Cf. *JCC*, 32:5, 122.

¹¹ See *JCC*, 31:907–9.

¹² See Timothy Bloodworth to Richard Caswell, August 16, note 5. The movement to amend the Articles of Confederation within Congress was supplanted by the report of the Annapolis Convention and its call for a separate convention, for which see Rufus King to James Bowdoin, September 17, note 2.

¹³ For John Jay's voluminous report on negotiations between John Adams and Lord Carmarthen, see *JCC*, 31:781–874; and David Ramsay to John Adams, May 14, note 1.

¹⁴ See Charles Thomson to the States, August 12, note 5.

¹⁵ See South Carolina Delegates to Moultrie, October 16, note 5; and Charles Thomson to the States, October 16.

¹⁶ See South Carolina Delegates to Moultrie, December 27, 1785, note 2.

¹⁷ The board of treasury's October 16 report was referred back to the board which reported again February 12, 1787. See *JCC*, 31:891n, 32:37; and *PCC*, item 139, fols. 379–86.

¹⁸ See South Carolina Delegates to Moultrie, October 16, notes 3 and 4.

¹⁹ The report of the committee on territorial government had been submitted on September 19 and debated September 29 and October 4, but it was not taken up again until April 26, 1787. See *JCC*, 31:667n, 669–73, 700–702, 738–39, 32:242.

²⁰ Congress began debate on the mail contract October 31 and on November 3 it was "referred over" to the next Congress. See *JCC*, 31:918–23.

Charles Pettit to Thomas Mifflin

Sir,

New York 8th. November 1786

When the Delegates of Pennsylvania were honoured with the Instructions of the late House of Assembly to obtain from Congress an Order that the Sum of £32,429.15.7 of the Bills of Credit omitted by the State in the year 1781, then lying in the Continental Loan Office, should be paid into the State Treasury and passed to the Debit of the State in the General Account, there were not a sufficient Number of States present to pass such an Order if they had been so disposed. The Instructions however, being public, became a Subject of Conversation, and your Delegates had no Difficulty in discerning that to make the Application in Form, even when Congress was more full, would not be attended with Success: it was therefore delayed, or rather withdrawn, for the Motion was made & some Debate had upon it.¹ A Negotiation was set on Foot with the Board of Treasury on the Subject; but the Sum stated not agreeing with the Amount reported by the Loan Officer, of that kind of Money in his Hands, and the Board not having clear Conceptions of the Circumstances under which that Money rested in the Loan Office, they did not choose to give any Opinion on the Matter, till they should receive farther Information.

Mean while the Comptroller General of the State demanded from the Loan Officer 390,000 Dollars of the New Emission Money of March 1780, and pursued the Demand in a Manner that occasioned minute Enquiry and Investigation.²

Perceiving, however, that Matters were tending towards a Contest between the two Officers, rather than towards Accomodation, and that it might lead to a Discussion which it might be more prudent to avoid, I thought it best, before an Appeal should be made to the Principals on either side of the Question, to propose a Conciliatory Plan to the Board of Treasury, especially as I had reason to believe they were taking Measures to turn into Circulation upwards of 50,000 Dollars of the New Emission Money of 1780, which is that Part of the Money in dispute which, according to their View of the Matter they had a Right to appr[opr]iate, & which I supposed would in some Measure derange the Plan formed for the Redemption of that Species of Money. The Measures taken by the Comptroller seemed to have created some Degrec of Resentment. I told them that I understood those Measures to be entirely his own without any Directions from superior Authority; that without enquiring into the Propriety of them, I wished on the present Occasion to wave them altogether, as I conceived that the Proposals I should make, if acceded to, would supercede and bury them in oblivion. I drew up a Memorandum of which the inclosed Paper No. 1 is a Copy.³ At the same Time I told them I was not authorized on the Part of the State to make the Proposition, it was therefore not to be considered as binding on them, even if they should signify their Willingness to agree to it, till the State should cloathe it with Authority on their Part. After some Conversation on the Expediency of avoiding a Dispute which might & probably would occasion the withholding from the federal Treasury Payments to a much greater Amount than the Sum they were aiming to avail themselves of, they seemed to acquiesce in my Opinion, and gave me Reason to suppose they would report in Favour of transferring the 78,642 Dols. of the State Money to the Debit of the State in the general Account, tho' they would not do it without an Order from Congress. We therefore moved a Resolution to that Effect which was referred to the Board for Report. They kept it under Reference for several Weeks. The Paper No. 2 contains a Copy of the Report which was made some Days ago; since which we have not had a Congress.⁴

You will observe that the Board seem to consider the 78,642 Dollars State Money as a good Payment towards the 390,000 Dollars; but that, supposing it to be otherwise, they do not mean to comply with the Desire of the State in passing it to the general Account. Whether their present Difficulties in Money Matters will induce them to issue it or not is uncertain; but they seem to conceive they have a Right to do it at its depreciated Value and to pass it to the Credit of the State at such Value only.

The Schedule (No. 3) affords much Matter for melancholly Reflection.⁵ That Pennsylvania stands foremost in her Exertions to support the federal Credit, may afford some Consolation to her Citizens. But

the Aggregate of the Delinquencies is too great to be safely submitted to; and the Lethargy which generally prevails in the States seems to threaten a ruinous Increase of them.

We have as yet but six States represented in the new Congress. This Week will close the Attendance of Col. Bayard. I wish much to be relieved even if it be but for a short Time, I therefore hope that at least two of my honble. Colleagues will shortly appear.

I have the Honour to be with great Respect, Sir, Your most obedient & most humble Servant,
Cha. Pettit

RC (NN: Emmet Collection, no. 886).

¹ Perhaps the "Motion of delegates of Pensyl. to have a sum of state money delivered to them" that was referred to the board of treasury January 30, 1786. See *JCC*, 30:29n.

² For this demand of Pennsylvania comptroller John Nicholson, see *Pa. Archives*, 1st ser. 11:33–34.

³ Not found.

⁴ For this October 31 board of treasury report, which was read in Congress November 3, see *JCC*, 31:924–27. See also *JCC*, 30:359–66; and Pennsylvania Delegates to Benjamin Franklin, July 26, note 1.

⁵ Apparently the "schedule of deficiencies" prepared by the board of treasury in connection with the 1786 requisition, for which see Roger Alden to William Samuel Johnson, November 12, note 5.

Nathan Dane's Address to the Massachusetts House of Representatives

November 9, 1786

This day, in compliance with a vote of the Honourable House of Representatives, the Hon. Nathan Dane, Esq; appeared before them, and made a statement of the situation of public affairs.

The Hon. Gentleman observed, that many subjects of importance now employ the public attention; but as most of them have been long under consideration, as the Hon. House was well informed generally in the affairs of the Union, and had lately received particular communications, he presumed it would be proper for him only to mention some things of more immediate concern and more particularly attended to of late.

He observed, the general impost-system, the compleat adoption of which was so much to be wished for, remains nearly in the state in which it has been for several months past; that eleven States had adopted it, and the objections of the other two, New-York and Pennsylvania, he presumed, were considered of less weight, than they have been heretofore, and found not so many supporters; that those of the former were principally supposed to be founded in their constitution, and those of the latter in the condition of their internal debt. On the

whole it may be reasonably hoped, that a measure, on the adoption of which so much good must apparently result to the Union, and on the non-adoption of which, so much evil will be acceded to by these States, whose characters are respectable, whose dispositions are federal, and he clearly conceived were interested in adopting the measure.

As to the supplementary funds, Mr. Dane observed, that there is not much reason to expect they will be established; that a few of the States only had passed any acts on the subject, and he believed that most of these acts, when carefully examined would be found ineffectual. And on mentioning this subject, he could not help observing, with pain and anxiety, the success particular men have had in impressing on the minds of many persons, in the remote parts of this State, in particular, an idea that their present burdens are principally occasioned by the establishment of these funds, and to be continued twenty-five years, when in fact these funds are not in existence, and if they were they could constitute but above one fifth part of the present tax; that it was a matter of surprize to him, that representations so false and so insidious, could gain credit with an informed and enlightened people; their good sense must certainly very soon discover them.

Mr. Dane stated, that eleven States have substantially complied with the recommendation of Congress, of the 30th of April 1784, for vesting certain commercial powers in that body, and that the other two, New-Hampshire and North-Carolina, have failed only by going too far; that their acts manifest such a disposition to vest those powers in Congress, that their compliance may be soon expected. The Hon. Gentleman observed, that this system did not embrace all the powers necessary for making commercial regulations in all cases; that it contained but one of the two great principles on which trade is extensively regulated, that of laying prohibitions, but not that of taxing or subjecting trade to duties; however, that in the present state of our trade and commerce, he conceived that the full adoption of this recommendation would enable Congress to make many regulations beneficial to the United States, and probably most of those that it may be wise at present to adopt.

That all the States, except New-Hampshire and Rhode Island, had fully adopted the proposed alteration of the 8th article of the Confederation for quotaing the States, according to their numbers of inhabitants, &c.

The Hon. Gentleman then observed, that the late arrangements made by Congress, for the settlement of the State accounts, for the discontinuance of the Commissioners in the several States, after the first of April next, and for instituting a board of three Commissioners, to sit when necessary, with powers, when written vouches cannot be obtained, to admit circumstantial evidence, and to report to Congress a state of claims not founded on the acts of that body, were after much

attention conceived to be the best, under all circumstances. He observed, that those who had not paid particular attention to the circumstances of the late war in the several parts of the Union, and to the state of the public accounts, can have but very imperfect ideas of them; that large claims are made by Virginia and other States, the regular evidence to support which, is said to be unavoidably lost, and several States also make very extensive claims not founded on the acts of Congress, the propriety of allowing which must be determined principally by taking a comprehensive view of the whole; that much care and attention is necessary to prevent the debt of the Union, from being improperly augmented. As the business of this board ought to be expedited, it is highly important that the States having such claims, should speedily state and arrange them, and their evidence to support them; many of which claims, particularly those of this State, are not properly arranged and prepared for examination.

As to the establishment of a mint, the Gentleman observed, that no great pecuniary advantages could be expected from it at present, but he conceived the measure of considerable importance, as it tends to give us a national feature, to render our circulating medium more pure, and gradually to increase it; that much skill and attention is required in assaying the materials, mixing in the alloy, and in providing against counterfeiting the coins of the States or Union; that it may be doubtful whether the States will have full confidence in the coins struck by each other, and when they are struck at several mints in the Union, the probability being, that more base money may get into circulation. For these considerations, and to save expence, it is to be wished that the coinage of money, at the federal mint, may be made as extensive as conveniently may be.

The Hon. Gentleman took notice, that another subject of immediate concern, was now before Congress: the laws of several States, said to be in violation of the treaty with Great-Britain. On these he could only observe, that it is the general opinion of those who have attended carefully to the subject, that a treaty formed by Congress under the powers of the confederation is a part of the law of the land, is a solemn compact made by the highest and constitutional authority in the United States, with a foreign power, and it is therefore a law of superior obligation, and cannot be controuled by any act of Congress or of any State; that all questions arising on treaties not adjusted by the contracting parties, ought clearly to be decided by the Judicial Courts of the respective countries, the constitutional bodies for this purpose; that any State being but a part of our nation, and by the forms of our government unknown to foreign powers in national transactions, cannot pass any law which can operate to explain or restrict the force of a treaty.¹ Perhaps it is the duty of Judges and Jurors to consider such laws repugnant to treaties, as void; but to aid their resolution, if he migh[t] use the expression, it may be proper for Con-

gress and the States to declare that such is the force of treaties, and to prevent like difficulties in future.

The Gentleman mentioned, that the affairs of the Western territory, and of the Indians, had long employed the attention of Congress, and more particularly of late; that Congress is instructed with the disposition and governing of an extensive and valuable tract of country, which has been justly considered as a fund capable of going far towards discharging the federal domestic debt, on which, and on the frontiers of the Middle and Southern States, are about sixty tribes of Indians, who probably muster about ten thousand warriors; that it has been the policy of Congress, to keep peace with these tribes; that Commissioners have been sent out from time to time to treat with them, who have assigned them lands to live and hunt on, and paid them for their other lands; and that treaties have lately been formed with most of the nations, of importance to the United States, and at a very great expence; Congress having formed several treaties, and made many regulations, for the disposing and governing of that country in the last year, begun the surveys of those lands they had purchased of the Indians; and then conceived that the 700 troops at that time called for, would be sufficient to protect the frontiers and secure the federal lands, against those tribes which had not formed treaties; that it was soon found that the Indians are not to be depended on, the surveys were interrupted by them, and the benefits expected from those surveys that year, were quite lost to the Union, and a considerable expence incurred; that during the last winter and spring, treaties being further formed and more of those 700 troops brought into service and ordered to protect the surveys, it was reasonably hoped that the Surveyors, the present year, would be able to prosecute their business without interruption. Early in the summer past, information was received of the hostile disposition of several of the tribes, and measures were then brought forward to augment the troops of the United States, to the numbers now called for; but it was then thought by the Delegates of this State, and of some of the other States, that there was not sufficient evidence of a general hostile disposition in those nations; but the information from that country since, has fully evinced the hostile intentions, of several tribes, and their determinations to prevent the surveys of these lands. The Indians express a general uneasiness at our progress Westward, and much pains seems to be taken by some traders among them, to promote this uneasiness; that in this situation of affairs, the hostile Indians must be brought to terms, or the disposition of those federal lands suspended. Considering the extensive frontiers and surveys to be protected, and lines of post necessary to be established, through an extensive tract of country, against many hostile tribes of troublesome enemies, the troops called for, cannot be more than adequate to these purposes; and on the other hand, it is to be hoped, that under their protection, the surveys of that coun-

try, may be carried on, and the Indians again reduced by them, to peace and order. Fort-Pitt will probably be the place of rendezvous for these troops, and it is to be ardently wished, that they may take their respective positions, and to be ready to cover the surveys, early in the ensuing season, and to act against such tribes as they may be directed.

Mr. Dane observed, that there was another subject under consideration, about which different opinions are adopted; he meant the report made by the gentlemen who met at Annapolis, in Convention:² That the gentlemen in their report had made use of very general and indefinite expressions, that seem, however, to suggest the propriety of submitting the federal system of government in general to a revision, or to be changed: That it does not fully appear whether they had it in contemplation to do away the present system, and to adopt another on different principles, and with different features, or to preserve the principles and great out-lines of the present, and to make some alterations in it, to give it more strength and energy. If the former is intended, may it not be asked, if the public mind is prepared for it? If the latter, will it not be best to consider the progress already made in amending the present system? That the amendments proposed by the recommendations of the 18th of April, 1783, and 30th of April, 1784, will, when, obtained, remedy some of its most important defects; and as the States have proceeded so far in adopting them, it must be highly imprudent to submit now to examination, in a different form, objects contained in those amendments, and thereby effectually prevent any further progress in completing these alterations, now almost obtained. Mr. Dane observed, that there are no doubt other alterations, that time and experience will point out to be necessary: That it must be soon well understood, that there is a want of energy to constrain each part of the Union reasonably to bear its due proportion of the common burthens; and to hold men in public trust in a proper state of responsibility, a federal judiciary may be found to be expedient for several purposes, the means of keeping up a punctual representation, &c. But that a question arises as to the best mode of obtaining these alterations; whether by the means of a Convention, or by the constitutional mode pointed out in the 13th article of the Confederation. In favour of a Convention it is said, that the States will probably place more confidence in their doings, and that the alterations there may be better adjusted, than in Congress. It is asked, what reason there can be for supposing this, as several of the States consider such a Convention highly inexpedient, and some States unconstitutional, and not all the States are agreed even in the propriety of a commercial Convention? That there is not sufficient reason to conclude, from the conduct of the States relative to alterations already proposed (more interesting, per-

haps, than any that may hereafter be proposed) that there is a want of confidence in those who recommend them; that the States may generally delegate the same men to the known constitutional assembly, that they may wish to send to a Convention; and when proper, can direct those full delegations to attend two or three months, for the purpose of fully adjusting such alterations: That the first principles of government are to be touched with care and attention.

The Hon. Gentlemen further observed, that there was another subject, which, though not an object before Congress, exceedingly interested the feelings and attention of all men, friends to the happiness of these States; he alluded to the late commotions in this State. It was a matter that gave general alarm and anxiety to see a State so suddenly shaken to its very centre, whose respectability has been acknowledged; whose constitution has been considered as excellent; and whose exertions in the late war have been so great, and evidenced so much firmness in her laws and policy. All men, friends to the States, seem anxious to see the government again restored to its former firmness and order. That many things might be further observed on this subject, but he thought it his duty thus only to observe generally, not being properly among those object respecting which he was called upon to make communications to the Hon. House.³

Reprinted from the *Boston Magazine* 3 (November–December, 1786): 439–43.

¹ For Congress' March 21, 1787, declaration on this point, see Charles Thomson to the States, April 13, 1787, note.

² For discussion of the congressional reception of the Annapolis Convention report in the context of the movement for amending the Articles of Confederation, see *Doc. Hist. of Ratif.*, 13:30–35.

³ For the Massachusetts delegates' communication of information on congressional proceedings to the Massachusetts legislature, see also Rufus King's Address, October 11, 1786.

Rufus King to Theodore Sedgwick

Wednesday Novr. 9th. [1786]

I wrote the foregoing on the day of its date. I will only add my sincere desire to see you here if you can come before the 30th instant. The Agents of Massachusetts & N York meet on that day at Hartford, with a view of settling our Territorial controversy.¹ I shall be there. If it is more convenient for you to come to Hartford than this place meet us at the former. I am anxious to see you on your own account as well as that of Our Country. Six States only have appeared to form a New Congress. Mass., N York, Pensyl., Md., Nor. Car. & So. Car.² Bayard,

Wilson & Henry are left out in Pensyl. & Meredith, Bingham & Genl. Irvine sent in their places.

Farewel, RK

RC (MHi: Sedgwick Papers). A continuation of King to Sedgwick, October 22, 1786.

¹ See New York Agents to Robert Yates and John Lansing, September 22, 1786, note.

² According to the journals, only five states were represented (i.e., with two or more delegates) at this date—Massachusetts, New York, Pennsylvania, Maryland, and South Carolina—although single delegates had arrived from New Jersey (Josiah Hornblower), North Carolina (William Blount), and Georgia (William Few). *JCC*, 31:928–30.

Nathaniel Ramsey to Charles Ridgely

Dear Sir,

New-york 9th. Novemr 1786

I direct this letter to Annapolis on a presumption that it will find you in your seat at the Assembly. I am very sensible that it is was in a great measure owing to your friendship and influence, that I had the honor of being appointed last year as a Deligate to Congress and altho I was then by no means either anxious, or sollicitous for it, And altho at present it would be injurious to my Interest to accept of the appointment, Yet as I find there has been some pains taken to injure my character, in order I apprehend, to prevent my being elected.¹ And as being turned out will imply a censure, I cannot help feeling a wish that I still may enjoy the confidence of my fellow Citizans.

You are I am convinced better acquainted with my conduct in those matters, on which all the charges that have ever been made again[st] me are founded, then any other member in the Assembly, and as I had the honor of being nominated by you the last year, I would rather this year be put in nomination by you then by any other member, provided I am still so fortunate as to enjoy your good opinion, and as I am not conscious of having done any thing to forfeit it, I flatter myself it is the case. But should I be even mistaken in this fond hope, I am certain that your generosity and Candor will prevent your making any improper use of this confidential letter. I have not wrote, nor will I write, the smallest intimation on this Subject to any other member of the Assembly.

I wrote a long letter by the last post to my neighbor Mr. Bond,² a deligate for Cecil, it contains some matters which I wish you to see, and altho it is of a secret nature, as you will discover, yet upon your Intimating this my wish to him, he will put it into your hands, prov[id]ed you wish to peruse it.

I am Sir with great este[em], your Obedt. Humbl. Svt.,

Nat. Ramsay



Nathaniel Ramsey

RC (MdHi: Ridgely Papers).

¹ Ramsey was reelected to Congress on December 2. See *JCC*, 32:57–58.

² Ramsey's letter to Richard Bond (*Bio. Dict. of Md. Legis.*, 1:141–42) has not been found.

John Kean to John Jay

Sir

Novr. 11th. 1786.

I should have sooner done myself the honor of answering your note of the 8th instant,¹ but having no such accurate knowledge of the subject, as I wished to communicate to you I thought to have obtained some information from my Colleagues. I did not receive all their answers until this morning—but find them wholly unacquainted—so I must give you what I have heard—observing that it has been gathered from transient conversation in Carolina & not from any examination of authentic papers.

The frigate South Carolina for whose use the compensation is now required of the Court of Spain, was the property of the Prince De Luxembourg. She was chartered by Mr. Gillon in behalf of the State of South Carolina. The Prince was to receive as her hire a certain proportion of all the prizes she should take.

Upon this it is that I found my idea that the Prince is intitled to a share of whatever money may be received of the court of Spain as a compensation for the use of this vessel.

What the proportion is I cannot say absolutely—but think it is twenty four per Ct.

If there is a necessity for accurate information on the head—it can be obtained from the State of South Carolina & if you think it proper the Delegates will write for it.

With great respect, I have the honor to be, Sir, Yr. Obt. Servt.,

John Kean

RC (DNA: PCC, item 78).

¹ In his brief letter of November 8, Jay had asked Kean “on what ground and in what Proportion the Prince of Luxembourg is interested in the compensation expected from the Court of Madrid for the use of the South Carolina Frigate.” See PCC, item 120, 3:102; and Kean to Jay, November 4, 1786.

Henry Lee to Richard Bland Lee

My dear sir.

11h. Novr. [17]86 NY

I have by this days post you[r] two Letters of the 1t & 3d. Be assured I should not have drawn on you for a shilling Could I have encom-

passed the needful by any resource in my power, & prove to me that you can meet proper *demands* whenever they approach. To you the bill is gone you have received advice & be ready, for you must take it up.

So much for meum & tuum. I am in my preparations for my return, & perhaps may see you in Richmond.

Now for politics—the East is in tumult, the dreadful appeal is too probable. Preparations are making by the Insurgents with assiduity. Measures are also taken by Government lately with decision & firmness. It is suggested that Vermont & British America foster the Madness of the Malcontents by their councils and promises. Whether we shall conquer this effort or whether it will conquer us, depends on the pecuniary aid of the tranquil states. It is certain if Massachusetts yeilds, that the victors will extend their conquest, & very destructive consequences will pervade from that victory, the whole empire—a mob government for a time, which will terminate in despotism among ourselves or from abroad.

I rejoice in your decided overthrow of paper. To be sure the expedient of nominal money is getting so ridiculous that common sense begins to abhor it, & therefore the vote of the deligates of Virginia is not surprizing.¹ Still it is grateful & will be I hope nationally useful.

In a lettr. of the date of your last Mr. Madison tells me that my congressional conduct relative to the Mississippi navigation, or rather the proposed treaty with Spain is carped at. I cannot brook the dishonor which he suggests may befall me, altho my intended & wished for return home invites the disgrace.²

A community ought to be tender of the reputation of her servants, I expected delicacy as well as justice from my country, or I never would have risked a reputation dearer to me, than rise on the precarious tenure of a democratic assembly. If I am deceivd I must submit, but my submission will be bottomed on necessity, not on respect to her caprices—nor will I forgive the authors of the assassination, or forget every proper moment if announcing my remembrance. It is wonderful that you should have been silent on this head. It proved their cunning & your lethargy.

Turberville writes two letters to me & says nothing on the subject.

I hope imaginary doctrines & Western prejudices will not govern the votes of my country. If they do, we shall suffer bitterly, but our sufferings will not be long, for full information will put all things right.

Farewel,

H. Lee Junr

RC (DLC: Armes Collection of Lee Family Papers).

¹ The Virginia assembly had recently revived its “expired” act for “calling in and funding” the state’s paper money, for which see Hening, *Statutes*, 12:329–30.

² James Madison had apparently informed Lee in late October or early November, in a letter which has not been found, that his “conduct relative to the Mississippi navigation” had endangered his reelection to Congress. And on November 7 the Virginia assembly confirmed Madison’s suspicion by passing over Lee, who had served only one

year, and electing as delegates for the ensuing year Edward Carrington, William Grayson, Joseph Jones, Richard Henry Lee, and Madison. News of this "disgrace," as Lee termed it, reached him "about the 20th. Novr." and he set out immediately for Virginia. However, Joseph Jones immediately declined his appointment, and Lee was "re-instated by an almost unanimous vote" on December 1. Still, Lee blamed Madison for abandoning him, and in a letter of December 20 groaned that Madison's "dereliction of the friendship which existed between us rendered my affliction doubly severe." See Madison, *Papers* (Rutland), 9:167, 175–76, 191, 219–20.

In a letter of the same date to his brother Richard, Lee expressed reservations about accepting the appointment. "My re-election I have heard from the Gazettes. I am very doubtful of the part I shall take, and may be governed in my decision by the manner in which I was elected. If I resign I shall do it in a public manner by letter to the Assembly & assign my reasons. This conduct will of course render me a mark & may terminate advantageously in future operations, as I wish to get into your house the next election. A mans influence provided he has talents and is governed by truth, extends in a generous country by persecution." Armes Collection of Lee Family Papers, D1.C. Notwithstanding, the rift between Lee and Madison soon healed and Lee joined his colleague in Congress on April 19, 1787. See *JCC*, 32:215.

In yet another December 20 letter, to state auditor John Pendleton, Jr., Lee submitted his accounts for travel to and attendance in Congress from December 3, 1785, to November 6, 1786, adding expenses from November 6 to 20 while he waited in New York for "the result of the late election," and from November 20 to December 20 for his journey to Virginia in "uncommonly severe weather." Continental Congress Papers, Vi.

Henry Lee to George Washington

My dear General

Nov. 11h. [17]86, N-York

I have your letter of the 31st Octr.¹ Besides the pleasure we all feel in knowing the health of Mount Vernon I am delighted and edified by your sentiments. This moment Genl. Knox & Mr. King left me having perused the part of your lettr. which respects the Insurgents. They expressed the highest satisfaction in finding that your retirement had not abated your affectionate zeal for the prosperity of every part of the empire.

Every day brings new information of the designs & preparations of the malcontents—they are training their people, have officered some considerable bodys & are forming connexions with their neighboring states and the Vermontese. A convention has assembled to devise ways & means of supporting their military arrangements, & of doing such other things as may be necessary for the prosecution of their intentions. We have authentic information that they contemplate a re-union with G. Britain, & it is not improbable but that the convention now sitting will formally make propositions of this nature to Lord Dorchester (Sir Guy Carleton) who is arrived at Quebec with plenipotentiary powers as Governor General of British America. They also declare their willingness to establish an imperial government in the U. States and I beleive could they be indulged with their favorite wish abolition of debts they would chearfully enter into the plan of a fœderal government assimilating the British government.² In some matters these people certainly

think right, altho they act wrong. A continuance of our present feeble political form is pregnant with daily evils & must drive us at last to a change—then it would be wise that this necessary alteration should be effected in peace & governed by reason, not left to passion & accident. If the insurgent would submit to government, & by constitutional exertions induce their state to commence this change, they woud benefit themselves, their country & the Union. Good management might perhaps produce this wholesome conduct, but it is too probable that desperate & entriging men may pursue private objects only.

I enclose you a piece signed Belisaurius. He is said to be Baron Steuben—this excites universal wonder.³

I hope to see you & your lady next month. Our united love & respects to Mount Vernon. Adieu. With most affectionate regard your h^s r,

H. Lee Junr

RC (DLC; Washington Papers).

¹ See Washington, *Writings* (Fitzpatrick), 29:33–35.

² For prevailing fears that the newly-arrived Sir Guy Carleton had sent agents among the Massachusetts' insurgents to sow disaffection, foment Indian war, and forestall American recovery of the northwest posts, see Szatmary, *Shays' Rebellion*, pp. 74-76, 108-9; and Robert A. Feer, *Shays's Rebellion* (New York: Garland Pub. Co., 1988), pp. 289-306.

³ See Rufus King to Elbridge Gerry, November 5, 1786, note 4.

Charles Thomson to the States

Sir Office of Secretary of Congress, November 11th. 1786.

I have the honor of transmitting to your Excellency herewith enclosed a state of the Representation in Congress for the Month of October,¹ and two copies of the continuation of the Journal from the 20th of September to the end of the federal year.

I beg leave to observe that notwithstanding the present critical situation of public affairs there are not yet a sufficient number of States represented to proceed to business,² I hope therefore your Excellency will be pleased to urge the attendance of the delegates for your State as speedily as possible agreeably to the desire of the late Congress communicated in my letter of the 4th.

With the greatest Respect, I have the Honor to be, Your Excellency's
Most Obedient and Most humble Servant, Cha Thomson

RC (Vi: Continental Congress Papers). LB (DNA: PCC, item 18B).

¹ For this enclosure and the 10 other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

² The new Congress did not actually achieve a quorum until January 17, 1787, for which see *JCC*, 31:928–31, 32:1.

Roger Alden to William Samuel Johnson

Hond Sir,¹

New York Novr. 12th. 1786.

The Secretary of Congress has wrote two letters to the Executives of the several States to urge the attendance of the Delegates—the first in obedience to the commands of the late Congress—the other when he transmitted the representation for the month of Octr.²

The Delegates from Massachusetts have recd their credentials—and that the State may be represented, Mr Gorham intends to remain in town until the arrival of some other Gentleman. New York is represented. The credentials from N Jersey were recd Yesterday—Mr Cadwallader, Mr Abraham Clark, and Mr James Scheurman are appointed; but none of the Gentleman have yet come forward. Mr Bayard is not appointed—no information when the Delegates from Pensylvania may be expected—nor from Delaware. Maryland is represented. The Delegates from Virginia have not recd their credentials. Mr Nash and Mr Blount from North Carolina—the former is very ill, and has not appeared in Congress. S. Carolina is represented. From Georgia Mr Few. From this state of facts You can best Judge whether your attendance is necessary or not.³ If the Virginia Delegates receive their credentials this week, six States will be present, but no one thinks that Mr Nash will be able to attend but at the risk of his life. I believe there is no doubt of his expecting the Presidency—perhaps his Ambition may overbalance his prudence and the advice of his physic[ian] but was I to give my opinion, I should say that Congress had already experienced the inconvenience of an Invalid.⁴

Two of the Judges of the Court of Appeals are in town—Mr Griffin is not arrived—nor any letters from him. I enclose a letter from the board of treasury—13 were sent to the Office to be delivered to the Delegates of the several States.⁵

I am very sorry indeed that the Vessel bound to Bermuda is so long in preparation—it is very unfortunate, & Mr Johnson feels so anxious, fearing that he may be too late for the court, that his friends, tho unwilling to part with him, cannot prevent their wishes that she may soon weigh anchor. As he desired me to furnish him with all the late papers, I gave him all those which I had reserved for You—knowing that You would approve of it—for to please You is among the first wishes of Your sincere & affectionate friend.

R Alden

RC (CtHi: Johnson Papers).

¹ Alden, the deputy secretary of Congress, had been married to Johnson's daughter Nancy, who died March 1, 1785, for which see these *Letters*, 22:270n.2.

² See Charles Thomson to the States, November 4 and 11.

³ See *JCC*, 31:928–30. Concerning his prospects for attending Congress, Johnson wrote the following letter to Gov. Samuel Huntington from Stratford on November 28.

⁴ "I have the Honor of yr. Excell'ys. favour of the 20th Instt, & am much obliged by

your Attentions. Give me leave to Congratulate yr. Excelly, upon the very uncommon success you have had in Financering. Having been at Danbury to meet Sher. Abel, & look'd out to no purpose, on every side in this Quarter for Money; I began to despair of seeing New York, at least for many Weeks yet to come. Yr. Excellys. favour has dissipated every present difficulty, & I have in consequence, as I have been ready this fortnight, written to the Hon'e Mr. Mitchell requesting him to come on as soon as possible with the Credentials of our Appointment, or if he sho'd be necessarily detain'd, to forward them to me, & upon *his* or *their* arrival shall set out immediately. I will certainly, & with pleasure, do myself the Honor to communicate to Yr. Excell'y. whatever occurs at Congress that I can imagine Merits yr. Excellys. Attention, & shall be happy & grateful for every Instruction, Direction, or Communication which yr. Excell'y shall please to favour me with, & have the Honor to be with the most perfect respect & esteem, Yr. Excellys. most obedient & most humble Servant,

Wm. Saml. Johnson

"P.S. I beg leave yr. Excel'y. to direct 2 or 3 Copies of the Acts of the two last sessions of Assembly to be forwarded us: And pardon my enclosing for greater safety a Letter covering a Note." Gratz Collection, PHi.

⁴ A reference to John Hancock, whose health kept him from attending Congress the entire period from his election as president, November 23, 1785, to his resignation, June 5, 1786.

⁵ Apparently the board of treasury's circular letter concerning the states' deficiencies of \$8,523,252 from former Continental requisitions and the fiscal measures required to preserve the union. No copy of this letter has been found in the PCC, but for the one sent to North Carolina, which is dated November 13, see *N.C. State Records*, 18:779-82.

William Blount to Richard Caswell

Sir,

New York November 16th 1786

As yet there have not appeared a sufficient Number of Members to form a Congress.

I arrived here on the 5th Instant and did myself the honor to address a letter to You on the 6th. I sent it by a Water Conveyance and hope it will be to hand before this. Ever since the above-mentioned Time my Colleague Mr. Nash has been so much indisposed as to be confined to his bed at some Times better and again worse, today he appears to be as ill as at any other Time and talks much of returning to Carolina with Capt. Tinker who will probably leave this in eight or ten days. I have been thus particular respecting Mr. Nash to show the Necessity there is for some other Gentleman of the Delegation to come on and if the State mean to be represented by three, two ought to come on. The Insurgents in Massachusetts seem inflexably determined not to give up their arms only to a superior force and a Gentleman lately from that State high in Office and of the best Information has given it as his decided Opinion that much blood will be shed before they will submit to Government.

I have the Honor to be, Your Excellency's Most Obedient Servant,

Wm. Blount

Rufus King to Daniel Kilham

My Dr. Sir

New York 19 Nov. 1786

Your account of the proceedings of the general court has afforded me much more information than I had received from any other quarter—pray continue to write me, as you must be convinced of the anxiety I entertain concerning the public affairs at this very critical juncture. I will write to B.T.¹—but I wish you had been particular in suggesting the points that I should dwell upon.

I can hardly suppose it possible that he should entertain any Ideas unfavorable to public or private credit. As to the Greivances of the People, so loudly and generally complained of, I confess myself in Opposition to the Opinions of those who unite in these complaints. Greivances can not be suffered in a Government constituted as our Government is. The laws are the acts of a majority of the people—every citizin by the nature of the social compact is bound to submit to this majority—such laws cannot be considered as Greivous—the Execution or administration of such Laws are not Greivances. If the laws are incautiously or unwisely enacted, and the majority think so, they may be annulled by the new Legislature. The operation of a Law inconvenient, or unwise in itself, can continue but a single year, because it will be repealed, if the majority unite in opinion that it is inconvenient or unwise. No law would be passed which would be so enormous or bad, that it would be intolerable for one year; what reason is there then for the complaints, and rash proceedings of the present opposers of our Government?

I will not add upon this subject—you have fully considered, and are extremely capable of examining, the subject—my remarks must therefore be either erroneous, or unnecessary because they have before passed in your mind.

Farewel,

R King

[P.S.] We have not yet made a congress. Who will be president is yet uncertain, probably Mr. Nash of No. Carolina, or Mr. Jno Langdon of N Hampshire shd. the latter come on.²

RC (NNC: King Collection).

¹ Perhaps Benjamin Tupper.

² Although the delegates finally “made a congress” on January 17, 1787, they did not elect a president for the new session until February 2, when Arthur St. Clair of Pennsylvania was named. See *JCC*, 32:1–11. Abner Nash died in New York on December 2 before Congress was able to convene. John Langdon did not attend until September 25, 1787, after the adjournment of the constitutional convention at Philadelphia where he was also a delegate.

William Grayson to James Madison

Dear Sir.

N. York 22nd Nov. 1786.

Your kind favor has come to hand, & since that I have heard of my being again appointed in the delegation of our State.¹ I am sorry to inform you that my health still continues in a languishing way. I am nearly in the same situation as when you left me; I hope however that the cold weather & exercise with proper medicine will produce an alteration for the better.

We have little news here. There is no Congress yet: of course no President elected. Mr. Nash of N. Carolina is talked of. He at present lies dangerously ill at this place.²

The affair of the Mississippi hangs at present in suspense. I rather think nothing has been done in it. The M. Bay delegation have been more on the conciliatory plan, since the late insurrections in that State. They I believe depend greatly on the fœderal aid, of course wish not only for a continuance of the confederation, but that it may be made more adequate to the purposes of government.

I am sorry to inform you, that it is the belief of people here well informed that this insurrection threatens the most serious consequences; and that the objects are more extensive than the mere stopping the Courts of justice. It is supposed that Vermont is leagued with them, and that they are secretly supported by emissaries of a certain nation; as to this latter conjecture, I have heard no satisfactory proof.³

Before I came to this place Congress passed a Vote for augmenting the troops;⁴ the object you may easily comprehend.

I hope that you and Mr. Jones will come forward soon; my health will not permit a constant attendance and the idea of the State's being unrepresented is extremely mortifying to me indeed if I do not shortly get better it will be my desire to return home. I heartily wish I had went with you and Mr. Monro.⁵

The Vote of the Assembly on the affair of paper money does them the highest honor & augurs well of the session.⁶ I remain with the most sincere regard, Yr. Affect. frd. & Most Obedt Servt,

Willm. Grayson

[P.S.] It is said a commercial treaty is nearly formed between Spain and Great Britain.⁷

RC (DLC: Madison Papers).

¹ See Henry Lee to Richard Bland Lee, November 11, note 2.

² Abner Nash, who fell ill upon his arrival in New York three weeks earlier, died December 2. *JCC*, 31:931.

³ See Henry Lee to George Washington, November 11, note 2.

⁴ See *JCC*, 31:892.

⁵ Notwithstanding his "desire to return home" and his absence from Congress from December 4 until February 5, 1787, even though a quorum had gathered on January 17, Grayson claimed in his expense voucher dated November 23, 1786, "a quarter's salary commencing the 2nd Decr. 1786" which was calculated in another hand as "90 days at 6 Dolrs. £162.0.0" through March 1, 1787. *JCC*, 31:931, 32:1, 26; and *Continental Congress Papers*, Vi.

⁶ See Henry Lee to Richard Bland Lee, November 11, note 1.

⁷ The source of this rumor is not clear. John Adams' October 27 letter to John Jay hinting a possible Anglo-Spanish commercial treaty was not read in Congress until February 2, 1787. See *PCC*, item 84, 6:355-58, item 185, 4:1; and *Diplomatic Correspondence*, 1783-89, 2:677-79.

William Grayson to James Monroe

Dear Sir

N York Novr. 22nd. 1786.

I have recieved your favors, for which I am very much obliged to you. I am sorry to inform you I have continued ill ever since you left me in Philada. & I cannot say I am much better at this time. I look forward to a regular fit of the gout as an event greatly to be wished for.

We have no news here; Congress have not yet elected a President owing to their being too few States on the floor. Mr. Nash of N. Carolina, who lies dangerously ill, is talked of generally, & nothing but his death or extreme ill health will I am perswaded prevent his election.

Colo. Lee has heard of his being left out of the delegation and is far from being pleased at the circumstance. I own I am surpris'd at R. H. Lee's being continued when he did not serve a day last year. Had Colo. Lee been continued instead of him, all would have been right: he is preparing to return to Virginia. I wish that R. H. Lee may resign, and he be elected in his room.¹

The disturbances in Massachusetts bay have been considerable, and absolutely threaten the most serious consequences. It is supposed the insurgents are encouraged by emissaries of a certain Nation, & that Vermont is in the association: how it will end God only knows, the present prospects are no doubt extremely alarming.²

I wish to know when Mr. Jones and Maddisson mean to come forward. It will be necessary for one to set out soon, as my attendance in Congress will be extremely precarious; of course the State will in all probability be often unrepresented untill one of them appears.

Mr. Kortright has got quite well; and so is all the family: they are uneasy at not having letters lately from you and Mrs. Monroe. I believe they have not heard yet from the Captain.

The Massachusetts delegation have been much more friendly I have understood since the late insurrection in their State: they look upon the fœderal assistance as a matter of the greatest importance of course they wish for a continuance of the Confederation. Their General

Court is now a sitting, but I believe are fearful of taking any vigorous steps against the insurgents.

Mr. King sets out from this next week to meet the N. York and the other of the Massachusetts Commrs. to effect a compromise respecting the latter agt. the former: it seems they have got unlimited powers on both sides.³

I remain wth. great sincty., Yr. Affect. frd. and Most Obed serv.,
Willm. Grayson.

N.B. The Spanish treaty is at fault. Mr. Rendon is going to Spain imm-edy.—his business unknown. It is sd. that Spain & G.B. have concluded a commercial treaty.

RC (DLC: Monroe Papers).

¹ See Henry Lee to Richard Bland Lee, November 11, note 2.

² See Henry Lee to George Washington, November 11, note 2.

³ See the following entry.

Rufus King to Nathan Dane

Dr. Sir

New York 22 Nov. [17]86

Mr. Gorham left us on Monday, I expect to leave this place for Hartford on Friday.¹ No addition of Delegates since I wrote you last. I wrote a note to each of the Printers in this City & requested that they would not insert any thing in their papers relative to your communication with the Legislature,² as the accounts were very erroneous. Nothing has been or will be published.

I have nothing to add except that we have a copy of the Treaty of Amity & Commerce concluded between Morocco & the US.³ Its duration is Fifty years.

Farewel,

Rufus King

RC (MBevHi: Dane Papers).

¹ That is, to attend the Hartford convention which met November 30 to December 16 to settle Massachusetts' claims to lands in western New York, for which see these *Letters*, 22:48–49n.7. The agreement to this protracted controversy reached December 16—which was signed by King, John Lowell, Theophilus Parsons, and James Sullivan for Massachusetts and Egbert Benson, James Duane, John Haring, Robert R. Livingston, Melancton Smith, and Robert Yates for New York—was entered on the journals of Congress October 8, 1787. See *JCC*, 33:617–29.

² See Dane's Address to the Massachusetts House of Representatives, November 9.

³ See John Henry to William Smallwood, November 5, note 2. For the text of the treaty ratified by Congress July 18, 1787, see *JCC*, 32:355–64.

Abraham Clark to James Madison

Dear Sir,

New York Novr. 23d. 1786

You desired me to inform you of the sentiments of the Legislature of New Jersey respecting the Western Country: this I have waited some time to do with Certainty but am not able to do it fully. I am not in the Legislature and much a Stranger to their present System of Politicks, but as yet believe they are generally of the same Sentiments with my self, which you are fully Acquainted with so far as relates to the Mississippi.¹ I every day expect Instructions which I am told will be to my Wishes on that head.

After seeing you in Philada. I had an interview with some of the principal members of the Assembly of Pennsa. who appeared no ways friendly to the late Resolution of Congress and purposed at the meeting of the present Assembly to attempt Obtaining instructions to their Delegates on that head; there are two members just Arrived from Philada. Messrs. Meredith & Bingham;² the present members in their delegation are the same as last year except Mr. Bingham in the place of Colo. Bayard whose time of service had expired, this looks as if their Conduct the last year met with Approbation.

With great Satisfaction I saw your name in the Delegation from Virginia, and till within a few minutes expected to see you here in a short time, till Colo. Grayson informed me he thought you would not come soon.

There are now Seven States in Town tho' Six only can attend, as Mr. Nash from N. Carolina is confined by Sickness. I am, Sir Your Obedt. Humble Servt.

Abra. Clark

P.S. Mr. Schurman is here with me.³

RC (DLC: Madison Papers).

¹ Clark and Madison had conversed at the Annapolis Convention, which both had attended in September, and afterwards in Philadelphia. Madison was concerned over New Jersey's support of the northern states' position on the Mississippi question, and saw in Clark a potential ally because of his interests in western lands, which might be enhanced if western settlers were to enjoy unrestricted use of the Mississippi River. For another view of the prospect that the southern states might obtain New Jersey's support on this issue, see James Monroe to Madison, September 12, 1786.

² See *JCC*, 31:928–30.

³ For James Schureman's arrival, see *JCC*, 31:930–31.

Samuel Meredith to Thomas FitzSimons

Dear Sir

Sunday Mornng Novemr 26. 1786.

I have been favoured with yours of the 22d in which you mention an order drawn by Lennox; with offers of accommodating me with the

money if it should not be convenient to pay, for which you will please to accept of my best thanks; You will receive Inclosed an order on Messrs Forbes & Morris for £70—(the *full* ballance as by note below)¹ not knowing exactly the time when the Quarters rent is due. I have omitted putting the number of days, if the Gentleman should not incline to take it under those Circumstances be pleased to get them to accept it in any number they may think convenient, & get it discounted; you may see what a scrape you have drawn yourself into by offers of service, let me advise you to be more Cautious in future especially to such a large Chap as myself, who to get a thing off his hands would seize on a much slighter offer than you have made.

You will no doubt find it very difficult to raise funds to support the present engagements; but if you should agree to the Imposit for the Use of Congress it will certainly much encrease; The Congress look up to our State with much Anxiety dreading a refusal as the forerunner of Anarchy & Confusion, they seem to think that New York will not chuse to refuse after the Acceptance of Pennsylvania, how that point may be appears (from some conversation I have had with the Gentlemen of New York) to be doubtful, tho I hardly think they would chuse to Stand alone.

We attend daily at the Room with but little prospect of making a Congress under two or three Weeks, there are at present in Town seven States but Governor Nash is expected to live but a few days, & the New York & Massachusetts Delegates leave town tomorrow for Har[t]ford in expectation of settling the dispute between their States, without applying to the Federal Aid which is extreemly tedious & expensive. I was rejoiced to see a motion of Mr Morris's for a new act to enable Luzerne to chuse an Assembly Man & Counsellor,² it would be a happy Circumstance to restore peace in that country, for while there are unsettled claims, there's no knowing to what lengths they may arrive. I was much affraid the N.Y. dispute might afford shelter for some of the same Class of People under a right of one of the Harpers, which was refused in this State & afterwards on application made & a registering in Massachusetts took place, & some people from that country decoyed under what they thought a good purchase, the numbers are not great, & many are willing to pay for the land to the proper Owners, besides this there are a number more than equal to them from Vermont, who have lost their property by an adherence to th[e]ir State, & who have lands given them adjoining Harpers, which they are determined to hold with their lives; this with the resolution of the Governor to support in the greatest extent the good order of Government will I hope hinder any settlement in this state that might aid the Wyoming people, in case they would not accept of reasonable terms. He says Allen has not the Confidence of those people, & he belevs he will not trouble us again; under all these assurances it would take a weight off[f] my mind to hear the matter was perfectly fixed.

I mentioned some days past to Mr King my Idea of the Back Lands, & the little chance of even the Expences being defrayed by them, which he seemed to Agree in, & said it amtd to £100,000 Dollars specie; it would prove a happiness to all the settled parts of the Country if the Ohio was to be the boundary for a number of years, as well as be a means of quieting the Indians & Spaniards.

The Troops raising to the Northward will not in all probability move much farther south. I wrote the above late at night & meant in the Mornng to have made some alterations but I found that If I did not send as it is you would have no Letter. Please to make my Compts to Mrs Fitzsimons & all Friends & believe me to be Dr Sir, Yours sincerely,
Saml Meredith

RC (PHi: Gratz Collection).

¹ According to the attached note, Meredith owed £75 for one-half year's "Rent of Lennox's House," less taxes for one years (£3.5), and the cost of "putting up a door" (£2.10).

² That is, increasing the representation of the new Luzerne County in the Pennsylvania Assembly to quiet unrest among the Wyoming Valley settlers. Cf. *Susquehannah Co. Papers*, 8:313, 415-20.

Charles Thomson to John Dickinson

Dear Sir

New York November 29. 1786

I have just received by this days post your letter of the 21 in answer to my public letter of the 15 Sept last¹ informing you that agreeably to the mode prescribed in the Confederation by nomination and ballot you were one of the judges of the federal Court for hearing and determining a matter in controversy between the states of South Carolina and Georgia.

Although I much regretted the backwardness of the states in sending forward their delegates, yet on this occasion I was glad there was not a Congress formed, because in that case, my duty would have obliged me to lay your letter before them immediately. Whereas now I have an Opportunity as a friend of recommending this matter again to your consideration, and I am persuaded that upon a review of all circumstances considering your own character and standing in the commonwealth as well as the nature of the appointment you will find that you cannot so easily decline it. Had you been appointed by the Agents of the two states and declined, they might have agreed upon some other. But there is no provision made for supplying a vacancy where the Court is constituted in the manner this has been of which you are a judge. Government has claims upon individuals for services as well as individuals upon government for protection, and these of so

binding a nature as to be indispensable and so essential that a non-compliance is a violation of the social compact. Although the federal government may in some instances be defective yet it has made a wise provision for settling disputes between state and state. The state over which you lately presided experienced the advantage of it in preventing the effusion of blood. But if the persons appointed judges to constitute the court for deciding the controversy can withdraw at pleasure and refuse to serve, the provision is vain.

Being therefore of Opinion that nothing but an Act of God or invincible necessity can relieve a judge constituted as you are from a discharge of the duties of the office I hope you will reconsider the matter and by the return of the post give me an Opportunity of informing Congress of your acceptance. I write this in the confidence of friendship and not in my official capacity. I shall be happy to see you in New York & hope you will bring Mrs Dickinson & Miss Sally with you, to whom you will be pleased to remember me.

With much esteem, I am, Dear Sir, Your sincere friend and humble
 Servt,
 Cha Thomson²

RC (PPL: Logan-Dickinson Collection). Addressed: "John Dickinson Esqr, Wilmington, Delaware."

¹ See Thomson to the Judges for the Georgia-South Carolina Boundary Dispute, September 15, 1786. For Dickinson's November 21 letter declining this appointment, see *JCC*, 32:13–14; and *PCC*, item 78, 8:195–98.

² Thomson also wrote a letter on November 18 to his brother "Alexander Thompson, Pencader Hundred, Newcastle County," extolling the virtues of rural life and explaining that he had just deeded over to him "the plantation where you live." *PPAmP*.

William Bingham to Richard Price

Dear Sir!¹

New York December 1. 1786

You were So obliging as to indulge me with the Promise of your Correspondence, on my Return to this Country.² I have been prevented (from various Avocations) from availing myself of many opportunities that have offered, to inform you of my Arrival.

I must confess that I did not find the United States in as flourishing a Situation as I had Reason to expect. Many Circumstances have combined to check their Prosperity—their immense Consumption of foreign Manufactures has greatly injured them, by involving them in a heavy Debt to Europe, which they will not be able to extinguish in many Years. In the mean while, the Specie of the Country, which after the War, constituted its only circulating Medium, has been almost wholly exported, & many of the States have had recourse to the dangerous Expedient of Paper Money, which by not being in general well funded, has in many Instances, greatly depreciated.

The Confederation is likewise an Evil of an alarming Nature. It does not possess Sufficient Powers to constitute a firm, vigorous, & energetic Government, Such as So extensive a Country demands. The Individual States, from the Sufferings they are exposed to from the Weakness & Inefficiency of the Confederacy, Seem disposed to vest Congress with Such Authorities as are necessary to pursue & preserve the general Interests of the Union. This will make their Administration respectable abroad, & vigorous at home.

There is often a Turn in human Affairs, which baffles the Foresight of the wisest Men. After the immense Expences that G Britain incurred in the Prosecution of the War, her most Sanguine Friends had no Idea of her Affairs being So Soon retrieved, & her Situation So prosperous, as it now appears to be. She is indebted for these Advantages, to the Wisdom of her Councils & the Energy of her Government.

I hope this Turn will Soon take place in our Affairs. Our Resources are great, the Industry & Intelligence of our People are not to be Surpassed, & I do not believe there exists a greater Fund of public & private Virtue than in this Country. Nothing is wanting but a good Government to direct these Advantages to public Good & private Benefit.

We have daily Accessions of Inhabitants, from Emigrations from different Parts of Europe, particularly Germany; It is a pleasing Circumstance to a benevolent Mind to contemplate the advantageous Situation this Class of People is placed in, on their Arrival here.

From being in a State of Vassalage in their own Country, mere Hewers of Wood & Drawers of Water, they find themselves entitled to all the Rights of Citizenship in a free Country, & with a Small Pittance enabled to purchase a Freehold Estate for themselves & family.

It is really fortunate for human Nature, that there is a Country, where the oppressed of all Nations may find a Secure Asylum.

I know no State in the Union that would be So envied as Pennsylvania, if it was not So defective in its Constitution & Form of Government. By possessing but a Single Branch of Legislature, Subject to an annual Change, its Laws are very often crude & indigested, & its Conduct governed by no System.

A few factious & designing Men, possessed of popular Talents, may at any Time throw the Councils of the Country into Confusion, & if their Views are Selfish, bend the public Business to meet their private Convenience.

However, as our Constitution has wisely fixed a Septennial Period, when its Defects may be remedied by a Council of Censors & a Convention, I hope the Citizens of the State will take Advantage of this Circumstance, & adopt a more perfect Form of Government.

Having the honor of being appointed to represent the State of Pennsylvania in Congress, I Shall reside here, for the greatest part of the ensuing Year.



William Bingham

Please to make my Compliments to Mrs Price & believe me to be with great Regard, Dear Sir, Your obed hble servt, Wm Bingham

PS. Please to inform me if there are any new political Publications, of any Note.

RC (PPAmP: Price Papers). Endorsed: "Ansd. Feb. 5th 1787."

¹ Dr. Price (1723–91), an English clergyman and well-known friend of America, was the author of the celebrated pamphlet *Observations on the Nature of Civil Liberty* (1776), and of *Observations on the Importance of the American Revolution and the Means of Making it a Benefit to the World* (1784). *DNB*.

² Bingham had returned to America in May 1786 after a visit of a year in Great Britain and nearly two years on a grand tour of Europe. Robert C. Alberts, *The Golden Voyage. The Life and Times of William Bingham, 1752–1804* (Boston: Houghton Mifflin Co., 1969), pp. 120–56.

Charles Thomson to John Ettwein

Revd. & dear Sir,

New York Decr. 4. 1786

I was in hopes that Mr White would have taken Bethlehem in his way, but I find by your letter of the 4 November that both my letters were sent to you from Philadelphia.¹

It gives me great pain to hear that the Indian Congregation are likely to suffer for want of provisions. Upon receiving your letter, I called on the Secretary at War who informed me that immediately after the passing of the resolution of which I sent you a copy in a former letter, he dispatched Orders to col Harmar to deliver to them on their application the 500 bushels of corn and other articles mentioned in the resolution.² It might be well if this information could be communicated to them that they might send & receive this supply. But it is to be presumed that in case of want they will apply either to col Harmar or the Superintendant or his deputy, who I understand resides at Pittsburgh. I hope there is no foundation for the reports of an intention to commit another massacre. I am sorry the spirits of the frontier inhabitants are so embittered against the Indian nations and wish with all my heart this bitterness could be removed. I presume the Indian Congregation will continue this Winter at or near Cayahoga. But in case they should think proper to remove to their settlements on Muskingum, I am persuaded they may rely on col Harmars giving them all the protection in his power as he has received orders to this effect.

With affectionate remembrance to Baron de Watteville & his lady³ and sincere esteem for all the Brethren, I am, Revd & Dear Sir, Your friend and humble servt, Cha Thomson

P.S. Should you have an opportunity of sending to the Indian brethren, a copy of the resolve of Congress may be of service, I therefore enclose one to be used as occasion may require.

RC (PBMCA: Ettwein Papers). Addressed: "The Revd. J. Ettwein at Bethlehem."

¹ See Thomson to Ettwein, October 9 and 13.

² See Thomson to Ettwein, August 26, 1786, note 1.

³ See Thomson to Ettwein, October 9, note 2.

William Blount to Richard Caswell

Sir

New-York December 7th. 1786

On Saturday the 2d Inst departed this life at 4 OClock in the Afternoon my worthy Colleague Mr. Abner Nash, his death is here much Lamented, and I sincerely condole with his friends and Country the loss of so Valuable a Member.

The inclosed paper will show the Respect that has here been paid him in his burial.¹

I am at present the only Delegate from North Carolina. As yet there's no Congress formed but there would have been one three weeks since if Mr. Nash Could have Attended.²

The Commotions in Massachusetts daily become more alarming.

I have the honor to be, Your Excellency's Most Obedient servant,

Wm. Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ Blount undoubtedly enclosed the December 7 issue of Francis Childs' New York *Daily Advertiser*, which contained an account of Nash's funeral services.

As Congress was not in session at this time, official observance of Nash's death was limited, but Secretary Thomson left the following record of the event in his journal entry for December 4.

"Mr. Blount informed, that the honble. Abner Nash, his colleague, died on Saturday last, having directed his corpse to be deposited in his family vault in North Carolina; Mr. Blount, therefore, desired to know whether it be necessary that the rites of burial should be performed here, and if so, in what mode. Whereupon the gentlemen [*from the six states attending*] were of opinion, that the rites of funeral be performed here in the forenoon in the usual mode, and that Mr. Blount, Mr. Carrington and Mr. Pinckney superintend the funeral." *JCC*, 31:931.

² For the response of North Carolina officials to the news of Nash's death and Governor Caswell's letters to Robert Burton and Nathaniel Macon requesting that they proceed to New York to take their seats in Congress, see *N.C. State Records*, 18:108, 337, 795. Neither attended, however, and North Carolina continued to remain unrepresented until February 13. *JCC*, 32:44.

Edward Carrington to Edmund Randolph

Dr Sir,

New York Decr. 8. 1786

Your Excellencies favors of the 10th & 18th Ult. I have been honoured with, for Colo. Crocket I will endeavour to obtain whatever may appear to be due to him.¹

Be pleased Sir, to accept my sincere congratulations upon your appointment to the Government of Virga²—you have sacrificed much, in point of Interest, to accept it, and it may happen, that your administration will not glide on without meeting opportunities for the full display of your Military, as well as political talents, and influence, in the supream command. How far the contagion of the Eastern disorders will spread, it may not be so proper to conjecture from the present quiet State of the other parts of the Empire, as from the experience of human Nature, and the Constitutions of our Governments. Man is impatient of restraint; nor will he conform to what is necessary to the good order of society, unless, he is perfect in discernment and Virtue, or, the Government under which he lives, is efficient. The Fathers of the American Fabric seem to have supposed the first of these principles, peculiarly, our lot, and have chosen it for a foundation: in the progress of experiment, the fallacy is discovered, and the whole pile must fall, if the latter cannot be supplied.

The Spirit of insurgency in Massachusetts, has proceeded to a Stage, which renders the subversion of that Government, an event too probable. The Malcontents have assumed a deliberate and systematic conduct, and, every day, gain confidence and numbers. The inefficiency of Government has been felt, by its friends, as well as enemies, and many are falling in with the measures of the insurgents, who, at first, shewed a readiness, and actually turned out to oppose them. A personal exertion of the Governor, such as was made by Sullivan in N. Hampshire, might, perhaps, in the infancy of the business, have been equally successful in Massachusetts: there has, however, been a kind of lassitude, and indecision, distructive of the confidence, and zeal, of all the members of the State, except those of property. These will lose all, in the event of a subversion of the Government, and will, doubtless, make an effort to preserve it.

The Legislature have, during their late Session, brought forward Sundry experiments for suppressing the spirit of insurgency; Acts for bringing into operation force; for alleviating some, and removing others, of the greivances complained of; and, under these, one of indemnity, without an exception, provided advantage is taken of it, by oaths of Allegiance, by a certain day, have passed. Amongst the first description, is one for suspending the rights of the Act of habeas Corpus, and this seems, alone, to have attracted the notice of the Malcontents; they have added it to their list of greivances; have proceeded to appoint Military Officers for a large body of Men, and continue to suppress the setting of the Courts, and these things are effected, not in a tumultuous, but regular manner. Mr. Shays, their leader, orders them into motion whenever a Court is about to sit, and this proves Sufficient to procure an adjournment Sine die. Hitherto their measures have operated only in the infected Counties, but they have now

set about to extend their powers into the neighbourhood of Boston, where no symptoms of the malady have been discovered. Upon the approach of the Session of the Court at Cambridge, last Tuesday sev'night, it was understood that a large body of the insurgents would march there to suppress it. Government accordingly took arrangements for its protection, and troops were actually advanced to receive the *Enemy*, of whom about 180 had assembled at some Miles distance from Cambridge, but conceiving their numbers not sufficient for the enterprize, they retired. The last accounts are that the Court was proceeding without interruption, and that a troop of Horse had gone forward with orders to take as many of the insurgents as they could come up with in Arms. From the languor of Government upon every former occasion, there is but little reason to suppose the pursuit was pushed to any effect, and therefore it may lead to nothing of consequence, but it is thought, by those best acquainted with the State of things there, that not a drop of blood can be Spilt, nor Captive taken, without the immediate consequence of a civil War. Had the insurgents been in sufficient force to attempt the execution of their designs at Cambridge, Government would have had no alternative, but to open this dreadful scene, or yeild the compleat domination of the State to them; and a conflict, terminating in their favor, would probably have been attended with the same consequence.

This business began in County Conventions forming long lists of greivances the most triffling and unmeaning, that can be conceived, nor was there even an agreement in the complaints of any two counties: all, however, agreed in the remedies. These were, a suppression of the Courts, and an "emission of paper money subject to a depretiation, and made a tender equal to gold and Silver, in all cases whatever." Many of the Malcontents have now, however, thrown off this flimsy veil, and openly declare for an abolition of debts public and private, and a distribution of property; in justification of the latter object they say that, in the act of opposing the british Government, the whole property of the people was forfeited, and ought, in the success of the revolution, to be considered as a Common acquisition. It is said that a british influence is operating in this mischievous affair: in the progress of the thing this has happened, but it certainly originated in the genuine baseness of the people. It is an undoubted truth that communications are held by Lord Dorchester with both, the Vermon-teers, and the insurgents of Massachusetts, & that a direct offer has been made to the latter, of the protection and Government of great Britain, which they at present decline to accept, but hold in Petto [*i.e.*, reserve], as a last resort, in case future events may place them in desperate circumstances. They also declare that it is not their intention to touch the Continental Magazine, which is situated at Springfield, in the Midst of their country, unless driven to it to save their lives: they

will, however, think the time arrived for this step, upon the happening of any conflict; nor is there a prospect of an adequate protection from any quarter. Here is felt the imbecility, the futility, the nothingness of the federal powers; the U.S. have no troops, nor dare they call into action, what is called the only safe guard of a free government, the Militia of the State, it being composed of the very objects of the force; neither can reliance be placed upon that of the neighbouring States: New Hampshire has already shewn her kindred to the revolters; Connecticut is not free from the infection; and, the Legislative Acts of Rhode Island, have discovered that an opposition to *<baseness>* these, can be expected from no order of people there.

These circumstances have alike forbid the attempt to remove the Magazine at an earlier period, as they now do that of protecting it. Any step to this purpose would have hastened the measures of the Malcontents; they were completely masters of the surrounding country, and that they would not permit the execution of the business, was certain. The attempt therefore must have been followed by the double consequence of cutting off all possibility of accommodation in the State, and blending the Union with her in a civil War. It was thought by Congress most politic to leave the Stores to the Mercy of events; to impress the insurgents with the distinction between Continental & State property, and idea that the United States had confidence in their fidelity and attachment to the Interests & government of the Union: thus have Congress been compelled to substitute a passive policy, for that exercise of power which would ensure stability and consequence to the federal, as well as State Governments.

Upon the meeting of the Legislature of Massachusetts a verbal application was made, by her delegates in Congress, for the federal aid, this being the only practicable mode; a constitutional one, must have come from the Legislature, and could not have been obtained, with the essential forms and authorities, without becoming a subject of public knowledge, and spurring the insurgents to immediate hostilities. Congress felt their embarrassments upon the occasion—the mode of application was not a proper one, this difficulty was, however, reconciled upon the doctrine of necessity, but the inability of the federal Government to do any thing effectual, and, upon this consideration, the impolicy of provoking the hostile dispositions of the insurgents against the Union, from which the least inconvenience that could be calculated on, was their resort to the British Standard, necessarily came into view. Upon the whole, it was thought best, to take only a preparatory step, to be in readiness for whatever prudence, and necessity, might require in future. The Resolves of the 20th of October were the result of this determination.³ The Western troubles are prefixed as the cause, nor were they intirely out of view, but those of Massachusetts immediately operated. The views of the insurgents are

indeed so unworthy, that the honor of the Union is interested; the Virtuous part of a State ought to meet, in the federal aid, a Shield against the nefarious designs of a licentious Banditti, when the evil has become too extensive for their own controul.

What further events will arise out of this unfortunate business must be unfolded in its progress. My conjectures are that should any act of violence shortly happen, a civil War must be inevitable, and to accedant we must trust for the consequences—but despondency is not a common attendant of mine, and therefore I look forward to one possible ground of accommodation. Could a pause take place for a while, so as to admit the exercise of reason and reflection—so enlight'ned a people must have enough of both, to behold in a proper light the baseness of the present pursuit. The means of a decent retreat may be sought for, and this may certainly be found in a compromise at the next election—a change of Men in the Government would bring about a thorough investigation and correction of public measures—real greivances may be remedied, pretended ones will not be urged—it is said that there are causes of uneasiness, but although those may have been the first principles of action they have ceased to operate, could the minds of the people be once brought back to them all might yet go well.

This instance, terminate however it may, will doubtless teach the necessity of efficiency in government. And perhaps it would be best placed in the federal head—indeed if this cannot be got in the present form, some other ought immediately to be devised, a change of choice, will, probably be one of wisdom—if it is left to accident, we cannot account for the result.

That great Britain will be in readiness to improve any advantage which our derangements may present for regaining her lost dominions; we are not to doubt. All her appointment to her Colonies, as well as Missions into these States, are calculated to this Object. Lord Dorchester is known to be penetrating and judicious, & the people are in the habits of thinking favourably of him. A Mr. Smith, formerly of this City, is sent with his Lordship in the Character of Cheif Justice.⁴ He is a Man of talents, well acquainted with our Natural tempers & dispositions, and quitted the country, in the firm persuasion, that events like these which now prevail, would lead to a reunion of us with G.B. Mr. Temple has been here for some time, in the appointment of Consul General. A Mr. Bond formerly of Phila has lately arrived as Consul for the Middle States,⁵ and it is said others are to be sent for the Eastern and southern: and thus the scheme of communication will be compleat. It is the practice of nations to admit Consuls from all, with whom they have any Commerce, but I do not conceive there can be a right of admission, unless there is an existing commercial Treaty. Mr T. was recognized before my time in Congress, and I am unacquainted with the principles upon which he was received. Mr.

Bond has arrived since the adjournment and his reception remains to be contemplated. I trust that I shall never harbour unreasonable jealousies, but when we know that an insidious foe, is vested with the garb of peace and freindship, it behoves us to be vigilant, especially when we are vulnerable in so many ways.

The communications contained in this letter I conceive it my duty to make to Your Excellency, it being proper that you be fully informed upon so important a subject. I have endeavoured to found them upon the best information, and can pledge myself for the authenticity of them. How far it may be proper to suffer them to become public I leave to your own judgment. It may be well to communicate them confidentially to some of the members of the Legislature: it would however be a breach of the injunction of secrecy, and impolitic, to commit to public view the part that Congress is acting in the business.⁶

My honourable Colleague Mr. Grayson is much indisposed and has been so for some time, I wish to see some of the New Members come forward. There has not yet been a sufficiency of States to form a Congress nor do I see a prospect that there will shortly be one.

I have the Honor to be, with the highest respect, Your Excellencies
Most Obt. Servt.,
Ed. Carrington

RC (Vi: Continental Congress Papers).

¹ Apparently Lt. Col. Joseph Crockett, who had appealed to Virginia earlier for half pay for himself and his regiment. See *Journals of the Virginia Council*, 3:316.

² Randolph had been elected governor by the Virginia assembly on November 7.

³ That is, the resolutions of October 20–21 for raising and funding a federal legionary corps of mostly New England troops on the pretext of using them to suppress hostile Indians in the west. See *JCC*, 31:891–95.

⁴ That is, William Smith (1728–93), the last royal chief justice of New York.

⁵ The British consuls were Sir John Temple and Phineas Bond. John Jay's December 8 letter transmitting Bond's commissions to Congress was not read until February 3, 1787. See *JCC*, 32:25, 29n.

⁶ Gov. Randolph shared this confidential letter with the House of Delegates, submitting a "copy, or extract" on December 29. It is not clear why numerous passages in the RC were underlined or circled, but in some cases they vary considerably from those sections marked for emphasis in the copy presented to the assembly. See *Cal. of Va. State Papers*, 4:195–99; and Burnett, *Letters*, 8:516n.4.

Rufus King to Charles Thomson

Dr Sir

Hartford 10 Decr. 1786

A party of men assembled at Concord under Shattuck, Parker & Page, to oppose the sitting of the court of common pleas at Cambridge on the 28th ult, but not meeting with assistance from Worcester & Bristol as they had been led to expect they gave up their design, and were

returning to their respective homes, when a party of men under the Sheriff of Middlesex aided by the those from Boston commanded by Col. Hichborn, over took and apprehended Shattuck, Parker and Page.¹ These men are now confined in the Boston Goal. Tuesday the 5th instant was the day assigned for the sitting of the court of common Pleas at Worcester; previous to that day Shays repaired to that County, and assembled a force in opposition to the court. On Tuesday the Judges preceded by the Sheriff went towards the Court House, but were denied admittance by the insurgents. The Sheriff read the Riot Act, some of the Judges harangued the Insurgents, and finally by agreement or otherwise the Judges were permitted to enter the court House, where they opened the court and immediately adjourned the scene to a late Day in January. It is reported that a majority of the council was against any measure which might have brought the Question to an issue of Force; otherwise the well affected militia would have been collected in opposition to the Insurgents. By information received last evening from Worcester, on Friday last Shays had under his command, a body of 1500 Men well armed at that place, and at Rutland, about 18 Miles distant. The convention Troops were some Time of the Barracks which they formerly occupied. The division at Worcester are quartered upon the Inhabitants. The Insurgents are plentifully supplied with provisions which are brought to them daily by their Friends—they conduct with great decorum to individuals, and have not yet been discovered to have plundered in a single instance. Their Force increases and the Gentleman who gives me this information adds that he met 200 Men in one body after leaving Worcester on Friday, on their way to join Shays—the avowed object of remaining their together since the adjournment of the court, is the liberation of Shattuck, Parker & Page—and to accomplish this purpose, they affirmed on Friday, that Shays had sent an express to the Governor demanding the liberation of the Prisoners and giving notice if he was refused, that he would march his party to effect that Object in another way.

What measures have been pursued on the part of Government, I have not learnt. The post left Boston on Thursday morning, the idea then entertained there was that the Insurgents would separate after preventing the sitting of the Court.

Knowing that the situation of this unhappy commotion would be the subject of curiosity, & perhaps anxiety, with the Gentleman of Congress, I cannot suffer the post to pass without this communication. The Gentleman is personally known to me from whom I received my information, I therefore give it full credit so far as relates to the positions and numbers of the Insurgents.

I hope to be in New York some Time next week—with Sentiments of Esteem & Respect, I am Dr. Sir your Obt. & very Humble Servant,
R King²

RC (DNA: PCC, item 59).

¹ For these events, see Szatmary, *Shays' Rebellion*, pp. 92–93.

² King also sent the following report to the secretary at war Henry Knox from Hartford on December 13.

"Shays disbanded his party on Sunday & Monday last. The Stageman passed them in detachments on the road yesterday and to Day, returning home rather chap fallen. Some of them say they will go no more, others that they are not yet tired of the business.

"The stageman informs, and this is the only information, that the returning Insurgents say that one of the *Days* has gone to Boston with a memorial &c &c and that Shays will remain at Worcester till he receives a Reply from the Governor. They add that Ward & Gill have given their paroles to deliver themselves into the Hands of Mr. Shays if the Govr. does not liberate Mathews, Page & Parker.

"Nothing certain can be collected except that Hunger & Cold compelled the Insurgents to separate. Farewel, R King.

"We have a prospect of compromising with N York, I hope to see you by the 21st." Knox Papers, MHi.

William Blount to Richard Caswell

Sir

New-York Decer. 13th. 1786

The inclosed Paper Contains the latest Accounts that have reached this City from the convulsed state of Massachusetts.

No Congress formed yet, only South Carolina, Virginia, Maryland, and Pensylvania represented. New York & Massachusetts have been here but have gone to New-Haven¹ to endeavour to settle by way of Compromise with other Commissioners the dispute between those two states respecting Territory, both these states are now daily expected back and it is supposed that the deligates of Connecticut and New-Jersey will make their appearance as soon as possible after they are informed of this return of the aforementioned States from New-Haven so that a Congress me [*i.e.* may] be expected to be formed in a few days.

I wrote You some days past and informed You of the death of my Colleague Mr. Nash.²

I have the honor to be, Your Most Obedient Humble servant,
Wm. Blount

Tr (Nc–Ar: Governors' Letterbooks).

¹ Actually Hartford, for which see Rufus King to Nathan Dane, November 22, note 1.

² As an executor of Abner Nash's will, Blount continued to be concerned with the settlement of his colleague's estate for some time. The following letter from Blount to Baltimore merchant Samuel Purviance, dated "New York January 2d 1786" but obviously written in 1787, reflects Blount's involvement.

"I am this Morning informed by Mr. Jno Ramsey that the bill which Mr. Nash drew in his favour on you and which Mr. Nash drew supposing the Bill drawn by Mr. Richard Clarkson in his favour had been paid to you, has come back protested. Hence I suppose the Bill drawn by Mr. Clarkson in favour of Mr. Nash has not been paid to you altho Mr.

Clarkson had informed Mr. Nash by Letter that it was. I am an Executor to the Will of Mr. Nash of whose death I suppose you must long since have heard by the Public Prints and I request you Sir, to take every Necessary Step to force Mr. Clarkson to take up his Bill with the Damage of Protest for I suppose it must be protested as it is not paid to you." Purviance Papers, NcD.

Blount noted at the foot of the letter: "Clarkson lodges at Mr Simpsons Tavern in Newbern."

Charles Thomson to the States

Office of Secretary of Congress
Decr. 14th. 1786

Sir, (Circular)

I am sorry to inform your Excellency that since the first Monday in November last, the States have not assembled in sufficient numbers to proceed to business.¹ At present there are delegates attending from sundry States, but Pensylvania, Virginia and South Carolina are the only States represented. This is the more unfortunate as among other matters of great importance which demand immediate attention & deliberation, the disorders in Massachusetts seem to be hastening fast to a crisis. The interests of the Confederacy certainly require a speedy and full representation in Congress.

With the greatest respect, I have the honor to be, Your Excellency's
Most Obedient and Most Humble Servant, C.T.

LB (DNA: PCC, item 18B).

¹ See Thomson to the States, November 11, note 2.

Timothy Bloodworth to the North Carolina Assembly

Gentlemen December 16th 1786

Agreeable to Your Resolve of Yesterday¹ I *(we)* proceed to Lay before You a subject of importance,² which has for som time employd the deliberation of Congress. Som time prior to my *(our)* Arrival at New York, Don diego de Gardoqui the Minister of Spain appear'd at the seat of Congress, & produced a Commission from his Catholic Majesty, to fix the Boundery between the United States & the King his Master, in which was contain'd som general expressions that imply'd a power to negotiate a treaty of Commerce, in consequence whereof, the United States in Congress Assembled, granted to John Jay Esqr. Secretary of forreign affairs; Plenipotentiary powers to negotiate a treaty of commerce, & fix the Boundery of the United States with Mr Gardoqui, Insisting as an ultimatum, on the free navigation of the

river Missicippey, & the Boundery as stipulated by the Treaty with Great Brittain. This subject remaind in a state of privacy, untill Tuesday the 30th of May last, when a letter was receiv'd in Congress from the Secretary of forreign affairs, who complaind of an obstruction that prevented his proceeding on the negociation with Mr Gardoqui, & requested Congress to appoint a Committee invested with equal Powers to assist him in the negociation, & Desired, that the existance of such a Committee should be kept a secret, to which Congress did not agree, but the day following thought proper to appoint a committee to confer with Mr. Jay on the subject, & give information to the house. In this situation the business remaind until Tuesday the 1st of August, when Mr. King mov'd to have the Committee discharg'd & the subject refer'd to a Committee of the house. To this preposition there arose Various objections. It was at length agreed that Mr Jay should appear before the house on the Thursday following to give an account of his proceedings on that business, at which time the secretary appear'd, & produc'd two letters from Mr Gardoque introductory to the negociation, in which the embassadar denied the right of navigating the Missicippey to be in the United States. He used som arguments to evince the Advantages that would arise to the United States by closing with the offers of the King of Spain. The secretary then offerd various reasons to discover the advantages that would arise from a treaty of commerce with Spain, & the Disadvantages consequent on a refusal, & urg'd in pressing terms the expediency of relinquishing the right of navigating the river Missicippey, for the space of 25, or 30 Years, & concluded by reading the articles of the propos'd treaty, the substance of which were as follows Viz: The trade to be on principles of pefect reciprocity, a Tariff to be settled by commissioners in one Year after the ratification, importation to be freely made in each others Vessels, the Duties to be paid by each, in the ports of the other, the same as those paid by the natives. Masts & spars to be purchased from the United States for the Use of the Navy of Spain, & paid in specie, provided the[y] are as good & as cheap as those procured from the Baltic. Permission also to go to the Canaries, her ports in the West Indies, & in South America to be shut, & the article of Tobacco to be prohibitted in her European ports. The secretary then withdrew, & Congress after Various Debates agreed to refer the subject to a committie of the whole, who accordingly entered on the Business on Thursday the 10th of August, and continued on that subject until Wednesday the 23d, at which time the Committee agreed to report, on Monday the 28th, when the subject was again agitated with that warmth, which might have reasonably been expected on a Matter of such importance, & on Wednesday the 30th of August the Question was taken, when seven states Voted to repeal the Ultimatum & give up

the navigation of the Missecippey. Viz: New Hamshire, Massechusetts, Rhode Island, Connecticut, New York, Jersay, & Pensilvania. This Measure was oppos'd by Maryland, Virginia, North Carolina, South Carolina, & Georgia, who used their utmost endeavours to fall upon Conciliating terms, offering to grant to the King of Spain a Duty of $2\frac{1}{2}$ per Ct. for all produce Landed at New Orleans, & to forbear carrying any kind of Merchantise up the river, but return in emty boats, which proposals was refus'd. The arguments now turn'd on propriety of seven states repealing an ultimatum which enlarg'd the powers of a Negociator, when nine states was required by the Federal Compact, to enter on treaties. Mr King observ'd that nine States was only competent to enter on treaties, but seven were sufficient to repeal, & the power which could repeal the whole might certainly repeal any part. Various attempts were made to procure the Yeas & Nays on this important question, which was repeatedly evaded, & at length set aside by the previous question. On Monday the 4th of September it was agreed by the contending parties, to let the matter rest until Mr Munroe and Mr King return'd from Philadelphia, being appointed to attend the Assembly of Pensilvania. After their return the subject was renewed, & attempts made to prevent the journals of Congress on that subject, from being delivered to the Secretary of forrein affairs. But all in Vain, for on Wednesday the 26th of September, the[y] were delivered up. & we have reason to fear the Treaty is now on foot, if not compleated. It will rest with Yourre Honorable House to Determine, the expediency of Instructing Yourre Delegates either to consent to, or oppose, the ratification, as shall appear most advisable. Thus Gentlemen I have given You a concise account of the proceedings of Congress on the subject of the Spanish Treaty. I beg leave to subjoin the reasons that induced me to oppose the Measure. 1st: it was my Opinion that the United States in Congress Assembled, are not by the Federal compact, invested with power to Dispose of any of the priviledges, whether natural, or acquired, of the Individual States without their consent first obtain'd. Admit the position, & oure Dearest priviledges are rendered precarious, & insecure. Grant Congress the Power occluding the Missecippey, & by parrity of reason, every other river in the United States must be at their Disposal, which appears an absurdity, inadmisible. Vattell on the Law of Nations, in his chapter of mixed rights, observes that navigable rivers are not annexed to the sovereignty, nor can the[y] be added to the Domain, without the express grant of the people. 2d: the partial advantages offered by the propos'd treaty, the Eastern States are to recieve the benefits, by the sale of their fish & oile, which are consum'd in Spain, & the Southern States are to pay the purchase, by giving up the Missecippey, whilst Tobacca the staple commodity in som of the States are excluded, & the subjects of Spain

are admitted into all our ports without exception while the Citizens of the United States are precluded from the west India Islands, & south America. Spain grants us no exclusive privileges, she has it in her power to encourage the trade of other nations, to a degree that may amount to a prohibition of the United States, & the reciprocity propos'd by the project exist only in term. The Duties paid in the ports of Spain are from 15 to 20 per Ct. whilst those paid in the United States are at present, 2½, & should the impost take place at 5 per Ct. the Tar-riff propos'd may be evaded, as it requires joint consent of parties. Under these circumstances it is not difficult to Determine where the Ballance of advantages will remain. 3d & Lastly the pernicious Consequences inseparably connected with the measure, the Alienation of the Citizens, & the Depreciation of the Value of the Lands on the Western waters, on this subject it is needless to enlarge, as the disadvantages arising therefrom, must appear conspicuous to every Gentleman of Moderate discernment. One circumstance it may be proper to add, by a letter received in Congress on Tuesday the 26th of September, wrote by Mr Smith from London, advising Congress to guard against the British Influence in the Western Country.³ Having annexed my *our* reasons for opposing the Treaty, You Gentlemen will be able to Judge of the propriety of my *our* Conduct. I *we*⁴ presume every other necessary Intelligence have been Laid before Your Honorable House, by his Excellency. From Gentlemen, Your Most Obedient Humble Servant,

Timothy Bloodworth

RC (Nc-Ar: Legislative Papers). In the hand of Timothy Bloodworth and addressed by him: "To the Honorable The General Assembly, Delivered in Confidence." Endorsed: "The Honble T Bloodworth & James White, Esqrs. Papers of the Senate 16 Dec 1786. Read & sent to the House of Commons. J Haywood C."

¹ For the Assembly's December 15 directive to Bloodworth and James White to report "in writing" on the deliberations of Congress during their attendance as delegates, see *N.C. State Records*, 18:82, 87, 93, 320, 325, 327.

² That is, John Jay's negotiations with Diego de Gardoqui over a treaty with Spain whereby the United States would forbear to exercise its right to the navigation of the Mississippi River for 25 years. See also Bloodworth to Richard Caswell, August 24, 1786, note 1.

³ For this July 5, 1786, letter from William Stephens Smith to John Jay, see PCC, item 92, fols. 98-99; *Diplomatic Correspondence, 1783-89*, 3:32-33; and *JCC*, 31:692n.

⁴ Bloodworth wrote this report in the first person plural, then changed it to the singular, leaving James White to submit his own report separately. It too is in the Legislative Papers, Nc-Ar, and reads as follows.

"The respect, the gratitude, so peculiarly due from me to [the] honorable Assembly, would not have permitted that I should untill called on, to do myself the honor of making such communications as were necessary, or expedient, had any appeared to me in that light. The weakly frame of our federal government; the deplorable ebb of the national credit; are indeed objects which tho' they must forcibly stri[ke] the mind of every one engaged in the service to which you did me the honor of appointing me; yet, upon these subjects the complaining voice of the Ud. States has been heard loud & often; the repetition, now, would be neither flattering to my country, nor grateful [to] myself. With respect to any secret communications [of] Congress; with respect to their unin-

ished Treaties; the propriety of taking up the important time of your honorable body, by calling its attention to transactions not immediately the object of its assembling might be somewhat doubtful.

"The footing on which stands the commercial treaty with Spain is circumstantially related by my vigilant & honorable colleague. It would be superfluous in me to point out the importance, the necessity of this commerce to these atlantic states. But, as it is the duty of every friend to this country to deprecate any further shock to this already feeble tie of the fœderal union; I would beg leave to remark, that the temper & intentions of our eastern bretheren would be very dangerously misapprehended were it supposed they professed to barter the actual benefits of any part of the continent, for commercial advantages. No: they disclaim the ungenerous id[ea]. Not all the distresses they so pathetically lament would induce them to relinquish our pretensions were the time come in which we will be able to assert our right; but in waiting for that desirable period, they suggest it is prudent for these states to accommodate themselves to what advantages they can acquire by suspending (*an unavailing*) claim tho' undoubtedly just. James White. Fayetteville, 16th Decembr. 1786."

Edward Carrington to James Madison

Dr. Sir,

New York Decr. 18. 1786

Your favor of the 4th Instant was received by the last post.¹ It was fortunate that the same causes of the delay of the Mail, operated also to prevent the sailing of the Packet—with very little trouble I placed your letter in the hands of Mr. Chavalier.² The re-election of Colo Lee has afforded me the highest pleasure, as it undoubtedly relieves his feelings, but I am at the same time deeply affected by the loss of Mr. Jones from the delegation.³

I cannot learn that Mr. Jay is proceeding in the business of the Mississippi. He probably will wait to see the Countenance of the new Congress. If he can assure himself of the cover of a bare majority, I believe he will make the treaty, and rely upon the timidity of some of the dissenting States for ratification. It is probable the Eastern column will be broken in Jersey and Pensylvania, and, it is equally so, that there will be a change in some of the Southern States.

The business of a convention is well brought forward by Virginia, and I hope their act will be generally adopted. The dereliction of Massachusetts is, however, to be apprehended. The delegation of that State prevented the recommendation of the measure from Congress, as suggested by the deputations at Annapolis, and advised its non adoption in their Legislature.⁴ The effect of this advice, I have not been informed of, but the natural supposition is, that nothing was done in the late session, and there will not be another, before the time proposed for the convention of the deputies. The reasons given by these Gentlemen for their opposition are, that the mode of amending the confederation is provided by the Act itself. Amendments, are to, originate with Congress, and, be agreed to by the States, and that it

would derogate from the dignity and Weight of that body, to take a secondary position in the business. This is an elevated idea, and, in an efficient Sovereignty, would be a wise one. The truth is, we have not a government to Weild and Correct, but must pursue the most certain means for obtaining one. We have only four States now on the floor. I am dr Sir, Your Sincere friend & St.,
Ed. Carrington

RC (DLC: Madison Papers).

¹ Not found.

² That is, Madison's December 4 letter to Thomas Jefferson had been entrusted to Jean August Marie Chevallié, who was then returning to France. See Madison, *Papers* (Hutchinson), 8:359n.1, 9:189–92.

³ See Henry Lee to Richard Bland Lee, November 11, note 2.

⁴ For the positions taken by the Massachusetts delegates before the Massachusetts assembly with regard to the report of the Annapolis Convention and the call for a federal convention, see Rufus King's Address, October 11, note 7; and Nathan Dane's Address, November 9, note 2.

Charles Pinckney to Job Sumner

New-York December 18. 1786.

Mr. Pinckney will be obliged to Major Sumner¹ to deliver the inclosed letter to General Mackintosh² and recieve from him The certificates therein requested. Should there be an Expencc attending their having the great Seal affixed, he will be so good as to pay it and send one copy on by the post and another by water—giving a preference to the conveyance by water if in a safe vessel, and there should be but one copy.

As Mr. Pinckney wishes to remit this certificate to England as soon as possible, Major Sumner will exceedingly oblige him by endeavouring to have them procured as soon as he conveniently can.

[P.S.] The great seal certifying General Mackintosh's having been chairman of the board of claims is so essential that the certificate will otherwise be invalid.

FC (DLC: Pinckney Family Papers). In the hand of Charles Pinckney. Addressed: "To Major Job Sumner."

¹ Although he was from Massachusetts, Sumner had been appointed commissioner of public accounts for the state of Georgia in 1785. See *JCC*, 28:447, 31:639n, 641n, 667n.

² That is, Gen. Lachlan McIntosh.

Charles Thomson to John Nicholson

Sir,

New York Decr. 21. 1786

I have just seen your "view of the debts and expences of the Com-

monwealth of Pennsylvania and of the funds and revenues of the same."¹ In the 14 page you remark that "the amount charged by the United States advanced to Pennsylvania from April 1776 to Decr 1782 when reduced to specie by the continental scale is 2,075,606 48/90 dollars" and that "the amount which the state will be entitled to have a credit for in the said account will, you are confident exceed the foregoing sum and leave a balance in favour of the State equal at least to the balances due by the state in specie on the existing requisitions, which according to act of Congress of April 27, 1784 is allowed to go in discharge thereof."

I do not clearly comprehend the meaning of this. Do you imagine that the balance in favour of the state will exceed the State's proportion of the advances made by all the states on existing resolutions of Congress for the common defence? This I am aware can only be founded on conjecture until the accounts of all the states are liquidated. And therefore it would have been well either to have omitted the paragraphs above recited or to have expressed them in a different manner.

Every State you know has received sums from the public treasury, and every state has made advances for the common defence and thinks or affects to think that the Union is indebted to it. The truth is that every State must be debited with the advances made to it and credited for whatever advances it has made either in men, money, provisions &c whether on requisitions or in virtue of existing resolutions of Congress & the balances, whatever they may be, will be carried to an aggregate fund which will be the debt of the Union and will be apportioned on the several States according to the rule of apportionment in the Confederation or by the number of Inhabitants. Now suppose all the accounts settled & the balances carried to this aggregate sum and that sum again apportioned on the states, will the balance of Pennsylvania be greater or less than its proportion? If less the deficiency whatever it may be will be a debt on the State & charged in future requisitions; but if greater, the balance will be passed to its credit and it will be allowed for the amount thereof or which will be the same thing, the state will be allotted the same in discharge of future requisitions. And therefore until the Accounts of all the states are thus settled & the balances carried to the aggregate sum & that sum is apportioned all that can be said on this head is that the state will have a large balance to be carried to the aggregate debt, of which it will be chargeable with its just proportion. But this ought not to be held out as discharging any part of the existing requisitions. More especially those made since the conclusion of the War. And for this reason the paragraph following which seems to confine the View of the legislature to the payment of 55,004 dollars before 1 June 1787 in full of all the existing requisitions is very exceptionable since nothing less than a payment in specie of the whole balance of 356,440 68/90 dollars as stated in the first page of your View together with the proportion of

facilities assigned to the State for interest can be a full discharge of the existing resolutions of Congress.

You have seen the address of the legislature of Massachusetts to their Constituents and the amount stated of the monies raised in that state since 1780. It is alledged that that state has paid more taxes in that time than any state in the Union, I wish I could see a like statement of all the monies raised in Pensylvania within the same period. You will excuse this freedom. It is only taken with a view to induce you to reconsider this subject, & to render Your view as perfect & compleat as possible.

I am with much respect, Sir, Your obedt humble Servt,
Cha Thomson²

RC (DLC: John P. Morgan Autograph Collection).

¹ For Nicholson's *A View of the Debts and Expences of the Commonwealth of Pennsylvania, and of the Funds and Revenues of the same, December 1786*, issued from the "Comptroller General's Office, December 6, 1786," see Evans, *Am. Bibliography*, no. 19,904.

² Thomson also wrote a brief personal letter on December 15 to Robert Morris introducing a Mons. de Le Couteulx, who wished to settle with his family in Lancaster County, Pa. Thomson Papers, DLC. For Le Couteulx's introduction to Thomson by Thomas Jefferson, see Jefferson, *Papers* (Boyd), 10:395.

Virginia Delegates to Edmund Randolph

Sir,

New York Decr. 24. 1786

We have been honoured with your Excellencies two letters of the 1st Instant, and another of the 6th with their several inclosures.¹

There being no Congress as yet, application cannot be made to that Body, for the Military Stores wanted for the Western Country; nor is there reason to suppose they would consent to furnish them, as the property of the United States, for any object under the direction of a particular State. Several applications of this kind, have been made, and uniformly refused. It is thought that any one instance of issuing the Stores of the Union for a State purpose, would introduce a practice, destructive of that œconomy which is essential to the interests and safety of the whole.

We are fully in sentiment with your Excellency that our Western troubles demand, in their nature, the interposition of the Arms of the Union, but Congress have been tried upon this point, & have determined differently.

It is probable the Secretary at War may be authorised to sell the supply your Excellency proposes to purchase. We will, immediately, see him upon the subject, and be enabled to communicate the result by the next post.²

We have the Honor to be, with great respect, Your Excellencies
 Most Obedt. Servts.,
 Willm. Grayson
 Ed. Carrington

RC (Vi: Continental Congress Papers). Written by Carrington and signed by Carrington and Grayson.

¹ In his letter of December 6, Gov. Randolph had responded to the Virginia assembly's order to procure 500 stand of arms, 3,000 lbs. of powder, 1,200 lbs. of lead, and 20,000 flints for the Kentucky district by requesting that Congress supply the arms and ammunition at no cost to the state or to sell them on generous terms. See *Journals of the Virginia Council*, 4:5; and Madison, *Papers* (Rutland), 9:266n.3.

² The delegates did not make application to secretary Henry Knox "immediately," but pursued the topic afresh in February, for which see Virginia Delegates to Randolph, February 19, 1787, note 2.

Edward Carrington to James Madison

Dr Sir,

New York Decr. 27th. 1786

My going to Virginia this winter is indispensable. It is improbable, from the state in which events has placed the delegation, that I shall not have an opportunity of going after the session commences without leaving the State unrepresented. Upon these considerations I have determined to seize the present moment and shall set out early in the next week.¹ In the mean time I think it proper to give you notice of the circumstance, that you not rely upon my being present. I shall leave Colo Grayson here, who will be well enough to form with yourself a representation, but he is far from being recovered. My absence will not exceed six or eight weeks. We have as yet no Congress nor do I see a near prospect of one, but it will be well for you to get on the floor as early as you can.² Inclosed is a paper containing a letter from Mr. Calonne Comptroller General of the Finances of France to Mr. Jefferson which is truly interesting to the U.S.³ I am dr Sir, Yrs.
 Sincerely,
 Ed. Carrington

RC (DLC: Madison Papers).

¹ It is not clear when Carrington left New York, but in the quarterly expense accounts that he sent to Virginia treasurer Jacquelin Ambler, he claimed £838.16 for travel time and attendance in Congress from February 1, 1786, to January 31, 1787. He apparently left Virginia on March 6 and took his seat in Congress again on the 26th. See *JCC*, 32:132n.1; and Continental Congress Papers, Vi.

² Madison had intended to leave Virginia to take his seat in Congress "before Christmas," but he did not set out until mid-January, arriving in New York February 9 and taking his seat the 12th. *JCC*, 32:29; and Madison, *Papers* (Rutland), 9:206, 245, 260.

³ While a copy of Charles Alexandre de Calonne's October 22 letter to Thomas Jefferson regarding improved commercial relations between France and the United States had been enclosed in Jefferson's October 23 letter to John Jay, Jefferson also sent several printed copies of Calonne's letter with a brief covering letter to Jay on October 27.

See PCC, item 87, 1:686–96, 706–13, 762; *Diplomatic Correspondence, 1783–89*, 1:821–23, 826–30; and Jefferson, *Papers* (Boyd), 10:474–78, 484–87. It is not clear when Congress received these letters since Charles Thomson did not record the arrival of letters between November 3, 1786, and February 2, 1787. See PCC, item 185, 3:179, 4:1. A search of extant New York newspapers revealed no printing of Calonne's letter on or before December 27, but it did appear in John McLean's *Independent Journal* of December 30.

Edward Carrington to Timothy Pickering

Dr Sir,

New York Decr. 27. 1786

Sometime in July you inclosed a certificate of one David Atcheson requesting an explanation of a disagreement between it, and the balance appearing in his favor upon the list of debts.¹ Since the arrival of the Vouchers I have made the necessary examination, and have made a note on the back of the certificate, to which I beg leave to refer you. It is now returned.

I will thank you for a statement of the payments you have made to the Creditors on my lists of debts that I may make in the Books the respective charges and form lists of the balances now remaining due. I think it will not be worth while to keep the business of it any longer and wish to get clear of it.

Have you recd. from Mr. Webb a remittance of £100.6.8 Virga. money? I will set out early in the coming week for Virga. and will have the pleasure to see you as I go through Philadephia. I am Dr. Sir, your Servant,

Ed. Carrington²

RC (MHi: Pickering Papers).

¹ For Carrington's and Pickering's roles in settling quartermaster certificate debt, see David Ramsay to Pickering, January 19, 1786, note 2.

² Carrington also wrote a second letter to Pickering this day concerning payment of certificates held by Ephraim Potter and John Jones. Pickering Papers, MHi.

Rufus King to Winthrop Sargent

My Dr. Sir¹

New York 27. Dec. 1786

I was unfortunate in being absent from this place at the Time you passed through it on your Return to Boston, you however afforded me a very genuine satisfaction by the friendly letter for me, which I received immediately on my Arrival. Mr. Hutchins has not arrived at this place; you may be assured that I shall be very attentive to your Ideas on the subject which you mention relative to your connection with his Department.² I have conversed with General Knox upon the other point, which is of more importance. You must be convinced that he is

your freind; his Ideas are in perfect correspondence with mine relative to your situation & *just* expectations. Whether your Wishes are practicable, I will not pretend to decide. My best exertions will be dedicated to their accomplishment. The Times are critical. The profession of a soldier will of consequence become more & more valueable. I hope you will not think of retiring. I indeed suppose you ought to engage. Depend on your own Talents, and the conviction, which your Freinds have of their superiority, for the Gratifications, which with great propriety you may claim.

I will not add, except to assure that I am warmly & sincerely Your
Friend & Hble Servt.,Rufus King

RC (MiU-C: Northwest Territory Collection).

¹ Sargent had been appointed Continental surveyor of western lands for New Hampshire June 27, 1786. See King to Sargent, January 22, 1786.

² That is, of the Continental geographer, Thomas Hutchins.

William Blount to Richard Caswell

Sir

New-York December 30th. 1786

The Consul General of France¹ has long been endeavouring to obtain an Exact Accot of what and how much each State annually Exports of her own Groth & Manufacture and has Obtained it from every other but North Carolina. And as I [*am*] sure it can be productive of nothing but good to the State that her exports should be known to him and thro' him to his Nation I take the Liberty of requesting that your Excellency will be pleased to direct the several Naval Officers to transmit to the Delegation of North Carolina in Congress without delay an exact Account of each & every Article Exported from that State in the Years 1785 and 1786 of her own Groth and Manufacture Certified under their hands with their Official Capacities.² The States in General publish in the News papers an Account of their Annual Exports, South Carolina has lately published hers in which the utmost particularity has been Observed even to the naming the Class of the Vessel that is whether, Ship, Brig or any other kind, and the Nation to which Each Vessel belong'd in which any of their produce was Exported.

I am, Your Most Obedient servant,

Wm. Blount

Tr (Nc-Ar: Governors' Letterbooks).

¹ Antoine-René-Charles-Mathurin de La Forest had succeeded the marquis de Barbé-Marbois as French consul general in January 1786 after Marbois' appointment as Intendant of Santo Domingo. Abraham P. Nasatir and Gary E. Monell, *French Consuls in the United States: A Calendar of their Correspondence in the Archives Nationales* (Washington: Library of Congress, 1967), pp. 560–61, 566.

² For Governor Caswell's response to Blount and circular letter to the Naval Officers of North Carolina requesting a report on "each & every article exported from your port in the years 1785 & 1786," see *N.C. State Records*, 20:628-31. See also *ibid.*, pp. 657-59, 676, 683-84.

Samuel Meredith to Henry Hill

Dear Sir

Sunday One OClock. [December 31, 1786]

I recd. your Letter last night & as tomorrow is the first of Januy I have been taking the necessary steps to forward the buisness of the lands, from my Calculation it appears to me to be much more advantageous to both of you, to make a final redemption which can be done for 14 Years purchase, the whole sum will not exceed £112. & you may get Holker in all probability to pay a considerable portion of it as his Lands then would be clear of any future demands, & if you have to pay till the time you sold deducting the Eight Years it may in all probability amount to as much. This you will consider, & give me an answer on immediately; I have got Colo Fish to call upon the Treasurer with my State of the Matter, and offering to lodge Certificates sufficient for the purpose till an answer can be had, in which way I shall act, for indeed you dont tell me what time you sold the lands, & therefore were it plain sailing I would chuse to wait your answer. There is likewise a tract of 5,000 left by my Father but how to describe it I am perfectly at a loss, I beg you will consider of it, & communicate it to Mr Clymer who can turn to the papers, & give a perfect description of it, the same mode I would recommend as in the former Case. This being Sunday & the mail made closed before two, I have been taken up in putting the land matters in train; tomorrow, or if possible to day, some steps shall be taken to put in motion the secretary &c &c & I have no doubt that the necessary papers will get in time, I wish you were in as much certainty of receiving a favourable decision, as you are in the having the paper. If you should think of any thing else, they may I think get to hand before the decision takes place, you will consider that such a large sum as you have a demand for is hard to be raised, & there will be proportionately a great resistance to a concluding verdict, & if you have not all your papers, signatures & segelatum according to Gunter, there will be a procrastination in the buisness, therefore I shall be very neat & take care that the Publick shall be convinced of my great Industry & precision, both of which you have had so many proofs of that you will wonder how the World can be so blind as not to give me credit for.

The time approaching for closing the mail & having a letter to write Mrs. M, you will excuse whats written, & whats deficient.

Intended frequently to write Mr Hill but having a great antipathy to it, & generally *deffering* till the post was near setting out that I have

with difficulty wrote Mrs M. of whom I have continually inquired of Nancy health which she has repeatedly informed me was mending that it may continue so is the fervent wish of hers & yours, Sincerely,
Saml Meredith

[P.S.] Remember me to Mrs & Mr C.

RC (PPL: John Jay Smith Manuscripts). Addressed: "The Honble. Henry Hill, Philadelphia." Postmarked: "N. York Dec. 31."

Samuel Meredith to Henry Hill

Dear Sir

Thursday 2½ Clock Januy 4, 1787

After a Slight conversation with a Col Fish at breakfast I retired to my Room & wrote in a hurry what you must have recd. in which I misstated the payments of quit Rents, in considering the matter further & a second application to him, I find it will be only necessary for you to mention the time You sold to Mr Holker from that, deducting the 8 Years will leave the sum to be paid, which can be done in the way you proposed, & if Mr Holker chooses to settle it finally & releive himself from any future payments, he must pay up thereon due to the time, & then pay 14 Years purchase.

The Treasurer fell from his Horse some time past, broke his leg in several places, & has not been visible unless to his Friends, so that I got Col Fish who is one, to give him an Extract of your Letter, & an offer if he should think proper to lodge the Certificates in his hands till I could get your answer to a letter I had written, in this way the matter rests at present.

The other papers I will try to get & send by this Post but if I should fail you may depend on them by the Next. Monday was new Years day on which there was no business done in the Offices.

I am anxious to hear how the Bank matter was decided on, it was coming very near to have but a Majority of one, if they lessen in the same ratio on the other readings it must be thrown out.

Give my love to Nancy & believe me to be, Dr. Sr. Yours &c,
Sam Meredith

P.S. I waited to the last moment to give You some further information respecting the papers. I find from Mr Duer that in all probability they will be finish'd this Evg. All this Mornig have been employ'd in trying to find out some private hand that will leave this tomorrow. If none offer shall send them by express as the post dont leave here again till Monday which is the 8th.

RC (PPL: John Jay Smith Manuscripts).

William Blount to John Gray Blount

Dear Sir,¹

Newyork January 7th 1787

Not since the 19th November have I heard nor recived a single line from you and I never was more anxious in particular about the Proceedings of the Assembly and much as I wish to hear yet I am afraid to hear for I fear your party has been a weak one but pray give it all to me the bad with the good.² At present only the States of S.C., Penna., N.J. and N.Y are represented, from Georgia there's Col. Few, N.C. myself, V[irginia] Col. Grayson, M[aryland] none, D[elaware] none, C[onnecticut] Doctr. Johnson, Rhode Island none, M[assachusetts] Mr. King, N.H. none. Few from Letters recived expects a Colleague and so do I, M[a]dison is shortly expected from Virginia, Marryland is expected shortly on the floor & Johnson & King are in Expectations of Colleagues shortly the former daily, from this State of facts you may judge as well as any body when we shall probably have a Congress. If it did not appear to me quite Certain that a *certain Friend* of yours will be president³ I would certainly return home as soon as I could after the Assembly had adjourned and indeed even with that Certainty in view if I could do it consistently with the Wishes of my friends I believe I should. I wrote to Thos. Blount⁴ by the British Packet which sailed yesterday under Cover to Mr. Benjamin Eyre. The Brother of Mrs. Eyre Mr. Richd. Smith is here at present, he was formerly a Merchant of Boston of much Business. At present he is closing his Business. I was introduced to him by Mr. Skipwith. He has made large Purchases of back lands in Virginia and within this Week made another of 40 or 50,000 Acres at 6d an Acre in which I believe Mr. Eyre is interested. Capt. Cossa arrived here on Friday the 5th and informs me that there was no accounts of Jacob or McDaniel when he came over Ocacock on the 24th Decr. My Compliments to Polly and believe as usual Yours,

Wm. Blount

RC (Nc-Ar: Blount Papers). Addressed: "Mr. John Gray Blount, Merchant, Washington."

¹ William's brother, John Gray Blount (1752-1833), was the general manager of the family's mercantile business in North Carolina, which operated stores at Washington, Tarboro, Shell Island, and Propect Mills. He devoted less time to public affairs than William, but was a Beaufort County representative in the House of Commons, 1782-93, and served three senate terms, 1791-95. He was also a delegate to the Annapolis Convention, but did not attend, a member of the North Carolina ratifying conventions of 1788 and 1789, a justice of the peace, commissioner for the port of Bath, and postmaster at Washington, 1791-1815. Blount, *Papers* (Keith), pp. xv, xix, xxi-xxiv.

² For Blount's concerns and the temper of the North Carolina Assembly at this time, see William H. Masterson, *William Blount* (1954; reprint ed., New York: Greenwood Press, 1969), pp. 116-21.

³ That is, Blount himself.

⁴ Not found.

William Samuel Johnson to Robert Charles Johnson

N York 7th Jany. 1787. "I rec'd with pleasure yrs. of the 2d Instt. & I assure you rejoice in yr. Success against Mr. Nicholls as much as you can do especially as you say it animates you to fresh & more vigorous endeavours to excell. This is right. *Viris Acquirat eundo*¹ may properly enough be applied in a moral as well as natural sense. But you must not lay too great press upon actual success in Causes, there are a thousand Circumstances to prevent it even where it is Merited. Addison makes one of his Speaker's say "It is not in Mortals to command Success, but we'll do more we will deserve it."² To deserve it as far as in us lies is the main point. For my part I have no Doubt of yr. succeeding in the Profession you have chosen, if you have but sufficient zeal & Industry, but both are necessary in a high degree, in order to yr. making a conspicuous Figure, which I hope you will be Ambitious of. Next Week, I think, you are to go to Danbury for admission. I doubt not you will succeed, & Trust you will find it easier than you have apprehended. Give my Compts. to the Gentn. of the Barr & Court, & I shall wish to know from you as soon as you have Opportunity how the affair has proceeded." Concludes with some personal legal matters and expresses concern "that yr. Dear Mamma³ has dismiss'd her Maid."

RC (CtHi: Johnson Papers).

¹ Cf. Virgil, *Aeneid* 4. 174-75, "*Vires Acquirat eundo*"—speaking of fame—"She acquires strength as she goes." Henry T. Riley, *A Dictionary of Latin and Greek Quotations, Proverbs, Maxims and Mottos* (London: George Bell and Sons, 1876), p. 496.

² Addison, *Cato*, Act i, sc. 2.

³ A January 21 letter from Johnson to his wife Ann, discussing family matters and his Aunt Johnson's addiction to spirits, is also in the Johnson Papers, CtHi.

Rufus King to Elbridge Gerry

My Dr. Sir

New York 7 Jan. 1787

Congress is not yet organized, and it is uncertain when it will be—The Anxiety and Dissatisfaction still continues, which has for some Time existed concerning the Government of these States. God only knows what will prove the Issue. It is most certain that things will not long continue in their present condition, if foreseeing the Dangers which hang over us, we do not unite in measures calculated to establish the public Happiness, I am confident that no Man will be able to bear up against the calamitous Events, which will otherwise force themselves into Existence.

You have seen the Virginia law for the appointment of Delegates to a convention in Philadelphia in May, Genl Washington, Mr. Wythe, Randolph, Maddison & others are appointed for this convention. Pennsylvania have appointed Mifflin, the two Morris, Fitzsimmons & three others on the part of that State. Hamilton who is a member of the Assembly of this State will exert himself to induce them to send Members. Jay & others are opposed to the measure, not alone because it is unauthorised, but from an Opinion that the result will prove inefficacious.

Genl. Washington will not attend, although there will be at the same time & place a general meeting of Deputies from all the State Societies of the Cincinnati. If Massachusetts should send deputies, for God sake be careful who are the men—The Times are becoming critical, a movement of this nature ought to be carefully observed by every member of the community.

I thank you for the trouble you have taken in the negotiation of my little Draft on Mr. Lewis. Mr. Osgood has paid me the amount of your Draft. I never had heard a Whisper on the subject of the conduct of the Mr. Waltons, and upon Enquiry am induced to believe there is less foundation for your Apprehensions than perhaps you are led to imagine. I never have heard the subject was mentioned in any company, and since the Receipt of your Letter I have enquired but cannot find any person who has ever been at an Entertainment given by any of the Walton Family except the usual ceremony which took place when Miss Walton married Mr. Roosevelt.

Mrs. King unites with me in compliments to the ladies, & I beg you to be assured of the constant Friendship of Yours sincerely,

Rufus King

RC (NNPM: Gerry Papers).

Rufus King to Thomas Ivers

Dr. Sir

New York 7 Jan. 1787

As I am uncertain of the precise terms, Which I have received from your Office as pay, during the time I have served as a Delegate in Congress; I pray you to have the Goodness to direct one of your Clerks to make out a Statement of the terms & to whom paid; which you will oblige me by forwarding as soon as it may be convenient.

In addition to this request I pray you to remember that I am equally entitled with my Colleagues to my Allowance as a Delegate. I wish not to be understood, that I have an Idea of any partiality in your payments. My desire is to stand on the same Footing with my Colleagues. I never will ask to be paid in preference, and I should be unwilling to be paid with less punctuality than they are.

If it is in your power to separate any Money for the Delegates, I think the sum ought to be paid equally between those, who are on Duty, and of consequence have an equal Right.¹

With perfect Esteem I am Dr Sir, your Obt. & very Hble servt.,
Rufus King

RC (MB: Chamberlain Collection). Addressed: "Thomas Ivers Esqr., Treasurer of Massachusetts, Boston."

¹ King's account for his attendance in 1787, submitted July 18, 1788, indicates that he received £200 "By warrant on the Treasury, date 28 June 1787," leaving a balance due him of £283.4. This claim was for "service as a delegate in Congress between the 7 Nov. 1786 & the 14 May 1787—177 days at 26/... as a Delegate to the federal convention at Philadelphia from the 15th of May 1787 to the 19th Sepr. 1787—128 days @ 30/... [and] as a Delegate in Congress from 20 Sepr. 1787 to 5 Novr 1787—47 days." Revolutionary War Letters, M-Ar.

Rufus King to James Duane

Dr. Sir,

New York 8 Jany. 1787

I do myself the honor to transmit to you an exemplification of a law of the commonwealth of Massachusetts, together with an original commission relative to the late territorial controversy between that Commonwealth and the State of New York. The commission has an Erasure on its face, but it is of an immaterial part; I do not know why it was made. If you should prefer an exemplification of this Commission entire, I will write by the earliest post to obtain it. The agents of New York were extremely polite in consenting that we should be furnished with a copy of the map or plan, which they made use of at Hartford.¹ It would afford me a very particular pleas[ure] to have it in my power, within a few days, to transmit this Copy to Massachusetts. I must therefore request you to have the Goodness to assist me in this particular, and to be assured of the constant Esteem & Respect of, Dr. Sir, your obt. & very Honorable Servt.,
Rufus King

RC (NH: Duane Papers).

¹ See King to Nathan Dane, November 22, 1786, note 1.

William Blount to John Gray Blount

Dear Sir,

New York January 10th 1787

I wrote you on Sunday last by post but as Mr. Guion who sails in the Morning for Edenton has been good enough to call on me for Commands I embrace the Opportunity to write you again tho' neither then nor now have I any thing scarcely worth communicating. We have no

Congress yet and only the following Gentlemen attending from Georgia Col. Few, South Carolina Pinckney, Bull, Kean, Huger and Parker, North Carolina myself, Virginia Colonel Grayson, Maryland Colonel Hindman, Pennsylvania Mr. Meredith & General Irvine, New Jersey [Mr C]lark and Mr Sureman, New York Mr. H[ar]jng, [...L]aurence and Mr. Smith, Connecticut D[r. Johns]on, Massachusetts Mr. King and each of these Gentlemen who have not a colleague daily expect one. From Delaware, Rhode Island & New Hampshire none are shortly expected and perhaps never from the two little ones. So that you can judge as well as any person here when we shall probably have a Congress, This Circumstance is very disagreeable to me for you know I determined when I left home if I was not President that I would return shortly home and with a very great Certainty of that Object when a Congress is formed I [...] return immediately or before this if I could with any Reputation to myself after having gone so far in the Business.

About ten days past I had a Conversation with some Gentlemen here of Public Character from Massachusetts respecting Shay and his Adherents, they say that on the 23 Instant a Court is by law to be held in one of those Counties in which Shays Adherents are very numerous which Government is determined to protect and they believe that Shay and his Adherents are as determined that it shall not set, if these Gentlemen are right in their Opinion the Issue of force is at Hand. It was then and is now my Opinion that Shay and his Party having gone into Winter quarters that is to their own houses from a remarkable severe snow Campaign where they would have Time to coll and reflect wou[ld not] again appear in the Field to [...]ry several [...] from the Westward it has been reported for a day or two past that Shay and his Party are dwindling to Nothing as a Mob tho this Wants authenticity but the 23d of the Month is not far distant. I have not received a single Line from you since the 19th Novr. and never was more anxious to hear from you and yet I dred to hear for I am sure there has been the Devil to pay at Fayetteville and that you have been of the weak party but pray As we hear all the bad as well as the good if good there is. Let me recommend my family to your Attention which I suppose unnecessary as I am sure they will receive it without. Tar is 11/ per Barrell only current in Mony that brought by Cossa sold for that, Pitch I know [is] now 16/ because Mr. Ramsay has long had a quantity belonging to Stanly limited to that price in it yet on hand, I do not believe that it is over 12/ current. I wrote Tom Blount by the Packet that sailed a few days past and shall write him again by Capt. Boudinot this Week. I do not write Mrs [B? by this] conveyance as I wrote her by Sundays post.

Your's affectionately,

Wm. Blount

William Blount to Nathaniel Lawrence

Dear Sir,¹

New York January 11th 1787

I find myself in Possession of an "Account of the County of Davidson in North Carolina"² a Copy of which I inclose to you knowing it cannot be otherwise than acceptable as your Military or Bounty Warrant is located in that County.

Your Warrant as well as I can recollect was for about Two thousand seven hundred acres and is by this probably passed into a Grant in your Name. The particular quality of the land on which it has been located I have not been informed but I make no doubt but is very good as I put it very early into the hands of Colonel James Robertson with a Number more of my own and agreed to give him one fourth part thereof for the trouble of locating, the Division to be made by Lot if not otherwise agreed on, which is the same price I gave him for my own. The Surveyors fees I believe you are to pay a part of but I do not recollect what part nor can I inform you what the other Office Fees will be. You will see that it is necessary that I should have a Power of Attorney from you to convey to Colonel Robertson the fourth part agreeable to Contract. I was unfortunate in being from Home when you called but if you will fix any hour when you will call again and inform me by the Bearer I will certainly wait your coming or if this is not convenient to you, you will be sure always to find me at home at any Time before 11 OClock in the Morning.

I am, Your Most Obedient Humble servant, Wm. Blount

P.S. I will thank you to return to me the Account of Davidson County after you have perused it and if you please you may take a Copy.

February 15th 1787.³

RC (PHi: Dreer Members of Congress Collection).

¹ Nathaniel Lawrence had been a lieutenant in the Second Regiment of the North Carolina Line, 1778–81, in which capacity he had been taken prisoner with his unit in the fall of Charleston in May 1780. Heitman, *Historical Register*, p. 258. It was undoubtedly this service that qualified him for the bounty warrant that is the subject of this letter.

² Not otherwise identified.

³ Blount apparently retained possession of this letter five weeks before appending this postscript.

William Blount to Richard Caswell

Dear Sir,

Newyork January 12th 1787.

Mr. Dowse arrived here last Night from Carolina and waited on me this Morning. He said very little about the Tobacco but I have heard

that he purposes to return again but for what I do not Know as no Person has given me the least Information or even Intimation of what he has done or offered to do.

I had only the favour of two Letters by him one of John G. Blount of about ten Lines which told me in general Terms that there was a very great Uproar as I would see by an inclosed Proclamation but I did not find the Proclamation¹ and the other was from Winslow which did not contain much more and these are the only Letters that I have recived from any person at Fayetteville since the Session commenced. This I suppose will find you at Kinston a little more at Leasure than you have been for some Time past and you will infinitely oblige me by informing me in general Terms what the Assembly have done and in particular with the Tobacco for on this Head I am daily questioned by the Board of Treasury.² As there has been no Congress I can give you no Congressional News but I will tell you what Members are here Namely from Georgia Colonel Few, South Carolina, Pinckney, Bull, Huger, Parker and Kean, North Carolina myself, Virginia Mr. Grayson, Pennsylvania Mr. Meredith and Mr. Irvine, New-Jersey Mr. Clark and Mr. Scureman, Newyork Mr Laurence, Mr. Harring and Mr. Smith, Connecticut Dr. Johnson, Massachusetts Mr. King. Mr. Few daily expects Judge Walton or Major Pierce, myself, Mr. Bloodworth or some other, Mr. Madison and others are expected from Virginia, A Dele[g]ation is shortly expected from Maryland; Dr. Johuson expects Mr. Mitchel and Mr. King Mr. Dane. No Representation is expected from the other three States in any short Time namely Delaware, Rhode Island and New Hampshire. Hence you can judge as we[ll] as any person here when We shall probably form a Congress. My Expectation of a Colleague is found upon the Knowledge that I ought to have one a[nd] not upon any Information that I have recived from them for I have not recived a *single* line from either of them. The inclosed Papers contain the latest Accounts of the Proceedings of Shays and his Adherents. In a Conversation I lately had with Mr. King he informed me that a Court was to sit on the 23d Instant in one of the Counties in which the Adherents of Mr. Shays were very numerous which Court Government were determined to support and he believes Shays and his Adherents were as determined that it should not sit and if he is right in is Opinion & Conjecture the Issue of force is not far distant.

The Object of my coming here so far as it respects myself appears quite in my power when a Congress is formed with which I assure you I am not perfectly satisfied for it will be very inconvenient for me to stay here the Year out indeed I am almost sometimes disposed to set out immediately but this I shall not do untill I hear from you.

I am with unfeigned Esteem, Your most Obedient Humble servant,
Wm. Blount

¹ Not identified.² North Carolina had earmarked £36,000 from an issue of paper money for the purchase of tobacco for resale in the North, the receipts from which were to be applied to the state's Continental quota. Blount, whose family had been involved in the purchase, storage, and shipment of the tobacco, was also engaged with the board of treasury in seeking satisfactory bids to ensure maximum payments into the Continental treasury and credits on North Carolina's account. Demand had been slack, however, and the state had refused to accept the terms originally offered by reluctant buyers despite Blount's recommendation in favor of bids by Robert Morris and Dr. Nicholas Romaine. For Blount's involvement in this business and earlier efforts to arrange the purchase of the state's tobacco, see William H. Masterson, *William Blount* (1954; reprint ed, New York: Greenwood Press, 1969), pp. 111–12, 117–18, 121–22; and Blount to Caswell, June 2, 1786. See also Blount to Caswell, November 6, 1786, note 2; and North Carolina Delegates to John Gray Blount, March 20, 1787, note.

Connecticut Delegates to Samuel Huntington

Sr.

NY. 12th Janry 1787.

We had determin'd, as soon as by yr. Exy. fav[orabl]e interp[osi]tio[n] the necessary supplies were provided for us to have come on imm[ediately] to NY but the late Meetg of the Commrs. from Masss. & NY at Hartford several of wh[ic]h were also Delegs. in Congs. having in effect rend[ere]d it impossible that there sho'd be a Congs. till they had return'd, it was to no purpose for us to come on. As soon as the Comm[issioner]s had finish'd their Business we lost no time in repairing to NY. Yet Unfortun[atel]y till this time there has not been a suffic[ien]t No. of Delegs. to form a Congs., but have now however the happi[nes]s to find that by the arrival of Mr. Pierce last Evening from Georga. there are 6 States in Town & as the N.J. Delegs. can be call'ed in inmed[iately], Of Conseq[ue]nc[e] Congs. will open probably on Mondy next.¹ As soon as anything occurs there worthy of yr. attention we shal have the Honr to Com[municat]e it to you. In the mean time there is nothing new here worth mentioning, & we have the Honr. to be with the greatest respect & Esteem.

FC (CtHi: Johnson Papers). In the hand of William Samuel Johnson.

¹ Nevertheless, a quorum did not convene until Wednesday, January 17. *JCC*, 32:1.

William Blount to John Gray Blount

Dear Sir,

Newyork January 13th 1787

Your favour of the 7th December by Mr. Dowse who arrived [here] on the day before yesterday is handed me. [If only] you had been a little more [. . .]¹ for you why you are not. Mr. D[ow]se has informed me

in general Terms of the proceedin[gs] and General Disposition to proceed while he stayed and to be sure as many as heard him relate are astonished to hear that the Constitution of that Country, says the Judicial, legislative and Executive Powers shall be forever sep[e]rate and distinct. I begin to feel partial to what I am told is the doctrine of the Farmer's Letters.

Must not every thinking Man view our Repub[li]can Gover[n]ment as the most intolerable of all Tyranny? Can any Man be safe in his house while the Legislature are sitting? I do not mean to say whether the Persons confined by the *Legislature* have suffer'd or have not suffered [ac]cording to their Demerit for I am inf[ormed . . .] a few you mention only But [. . .] there [is] an old and common Exclamation O Temp[ora], O Mores! O Times, O Manners.

Blessed Fruits of Independence.

By the Bearer Captain Cossa 50 pounds of Bees Wax were brought to this place on my account which I desired to sell for me and lay the Mony out in Flax for me and deliver the Flax to you. The Wax he sold for $\frac{2}{3}$ per lb. and the Flax he tells me will cost him I/ at least, however he will rendre you I suppose an Account. No Congress yet and uncertain when there will be, only four States represented.

I feel a very great [dis]position to return home tho' the Object of my [. . .] here as respects my self appears quite [. . .] I shall not leave at] any rate before I hear from you. Pray [let] me hear what the Assembly has done. I fear there has been the Devil to pay; and you on the weak side or rather on no side, let me know the bad with the good if good there has been. Among other things tell me what is or what is like to be done with the Public Tobacco. On this be very particular for I am daily questioned about it either by the board of Treasury or by some Persons who I believe want to be meddling with it.² I have heard Nothing of Tom Blount since the Letters I received by Mr Voss which I forwarded. If you have any Letters for him the Conveyances here are Weekly and sometimes daily.

I believe Dowse will not come back about the Tobacco tho' he talks [. . .] he will. I have been taught to understand partly how he proposed to have paid [the mo]ny so that the Tobacco would not really have cost more than about $22\frac{1}{4}$ per 100 lb Weight, he was only the Instrument & solely so, nor have I been able to learn the Names of more than one of the Principals.

This to yourself unless you see an Advantage to *yourself* in letting Government Know or understand it. Let me hear by every post if it is but a Single Line. Compliments to Polly, Your's &c,

Wm Blount

P.S. I [have heard that] Adherents prevented the setting of a Court at [Spring]field the last Week in the [old] Year and no Attempts were made on the part of Government to support it.

It is said Government are determined to support a Court that is to set on the 23d of this Month and that Shays and his Adherents are as determined it Shall not sit.

Mr. Ramsays the following is the price of the following Articles—

Pitch—12/ dull

Turpentine—12/ dull

Tar—12/ current

and you may depend on them as the genuine prices.

Connecticut Pork [...]

Indian Corn—4/3

Wheat—8/

Flax Seed—11/

black eyed Pease—6/

Good Tobacco 4d per lb

Final Settlements 2/7d in the pound

} Current

RC (Nc-Ar; Blount Papers).

¹ Five or six words missing.

² See Blount to Richard Caswell, January 12, note 2.

William Pierce to Thomas Washington

Dear Washington¹

New York, Jany. 14th, '87.

In looking around among my Friends, I know of no Man who deserves more of my attention than yourself. I esteem you much, and wish you well. I have no *speculative views*, and therefore you may believe me sincere.

On the 11th instant we arrived here, after a tedious and dangerous passage of twenty nine Days. Nothing could be more disagreeable than our Voyage, but it gave Mrs. Pierce an opportunity of seeing Massachusetts, Rhode Island, Connecticut, & New York, which, in some measure compensated for it.

Before my arrival Colo. Lee had taken his departure for Virginia,² so that I have not had an opportunity of seeing him. I wish I could have been fortunate enough to have seen him before his departure, that I might have hinted your speculation to him.

The Southern Country, (particularly Georgia) is in high estimation every where through the Northern States. Your Lands will be valuable very shortly, and I doubt not but you would make sale of some of them if you was to reside a few Weeks in this City. Suppose you was to come and open a *speculating Office*.

If any advantages from this quarter can be obtained, and be made to flow into Georgia I will take care to give you a hint, and if I can serve you in any thing whilst here, I shall be very happy to be employed.

With respect to facilities, final settlements &c I have not been able to inform myself of their condition. I therefore can say nothing about them for the present.

Congress have not yet made a House, but we shall most certainly in a Day or two be able to sit.³ I think if Walton had come on he would probably have been made President; but as it is, a Mr Blount from North Carolina is talked of.

Please to offer my respects to your Lady, in which Mrs. Pierce joins me, and believe me to be, with great regard, Your Friend,

Will. Pierce⁴

RC (NN: Emmet Collection, no. 1306).

¹ Washington had become a commissioner for confiscated loyalist estates in 1782 and used his position to become, by January 1787, the premier speculator in Georgia lands requiring "almost one and one half columns in the *Georgia Gazette* to advertise the lands he wished to sell." Overspeculation led to bankruptcy the following year, but he nonetheless became involved in the Yazoo land fraud and was later hanged for counterfeiting South Carolina currency. See *The Revolutionary Records of the State of Georgia*, ed. Allen D. Candler, 3 vols. (Atlanta: Franklin-Turner Co., 1908), 3:115; and George R. Lamplugh, *Politics on the Periphery: Factions and Parties in Georgia, 1783-1806* (Newark: University of Delaware Press, 1986), pp. 35-36.

² That is, Henry Lee.

³ Congress finally achieved a quorum on January 17, with Georgia delegates Pierce and William Few in attendance. See *JCC*, 32:1.

⁴ At about this time Pierce also sent the following undated note to the secretary's office: "I will thank Mr. Thompson, or any one of the Gentlemen in the Secretary's Office, for a copy of the Journals of Congress. Wm. Pierce." It is endorsed beneath the signature by Roger Alden "Complete—except—83, 84, 85," but he mistakenly added "Delivered—Jany 22d—1786." On the verso, however, Alden noted "delivered Jany 22d, 1787." PCC, item 49, fols. 317-18.

Rufus King to the Massachusetts Agents

Gentlemen

New York 17 Jany. 1787.

I this morning received the inclosed papers¹ from Mr. Duane. I had previously delivered to him the commission & the copy of the Law forwarded to me by Mr. Sullivan; you will notice his request of *a regular Exemplification* of those documents contained in his letter. Mr. Duane informed me on yesterday that the Adjustment would be very acceptable to the Legislature of this State.

I have the Honor to be with Esteem & Respect Gentlemen your
Obt. & very Hbl. Servt.,
Rufus King

RC (MH-H: bMS Am 1582). Addressed: "Mr. [John] Lowell, [James] Sullivan, or [Theophilus] Parsons."

¹ Not identified, but see King to Duane, January 8.

Rufus King to Benjamin Lincoln

Dr. General

New York 21 Jany. 1787.

This will meet you again in military command. It conveys the devout wishes of a Brother Citizen for your prosperity, and the safety of the Commonwealth. Will you have the Goodness to direct some person about you to give me a concise account of your situation, and of the Events which may take place on this expedition. The anxiety of an absent citizen at this juncture must be my apology in making this request.

Farewel, I am with the Highest Respect & Esteem, Your's &c,
Rufus King

RC (CtY: Wetmore Family Collection). Addressed: "Major General Lincoln, Worcester."

Rufus King to Thomas Dwight

My Dr. Sir,

New York 22 Jany. 1787

When I had the pleasure of seeing you in December at Hartford, you induced me to hope the pleasure of your correspondence. I must now solicit you on this Subject; and since the affairs of our country are becoming critical and the neighbourhood in which you reside may unfortunately be the Theatre of intestine war, I intreat you to releive in some Degree the anxiety of an absent citizen by information, even of the most concise nature from post to post, of the Situation of the forces of Government, as well as that of their opponents.¹

Be assured that the gratification in your power to afford me in complying with this request, will leave me under the strongest obligations to repay your Goodness.

With sincere respect I am Dr Sir Affectionately your's,

Rufus King

RC (NH: King Papers). Addressed: "Thomas Dwight Esqr., Springfield."

¹ See King to Dwight, February 18, note.

Stephen Mix Mitchell to Jeremiah Wadsworth

Dear Sir,

New York Jany. 24th. 1787.

Whether I am to tell you we have a Congress or no, I cannot tell.

About ten Days since a Gentleman Viz Majr. Peirce arrived here from Georgia, who made us seven States,¹ including New York & Jersey, the latter of which engaged to be here on short Notice.

New York appeard. on the floor for one Day, when an attempt for a president was made, there seemd. a Division in Sentiment, Doctr. Johnson had two Votes, which was as many as any Gentleman could boast; we adjourn'd. for consideration, since which New York has not appeard. in Congress: tis said the time of their Delegates was nearly expired, & that tis now quite out. No measures have been taken by the Legislature of this State to supply the place altho' they have been convend. some weeks, I am told they are to re'elect next Fryday,² time will shew; twould not be a matter of surprize to me if they should omit the Matter for a month longer.

You will see by the papers, that this State has by approbating the Conduct of the Govr. in not calling the Assembly upon desire of Congress; stepd. as twere out of their way to give Congress a Slap in the face.

The Situation of Congress is truly deplorable, no one seems willing to contribute a Mite to extricate us from the mire into which we are fallen.

Pensylvania in answer to Messrs. King & Monro, have so far declared in favor of dividing the Debt, as to say, they will pay their own Citizens only.

I cannot see there remains any necessity for keeping up a Representation in Congress, in our present Scituation, all we can possibly do, is to recommend, which is an old, stale device & no better than the wish of a few Individuals relative to publick Concerns.

Our Eyes at present are turnd. to Masehusetts & expect by Saturday's post, to hear of feats of Chivalry. We are told that Genl. Lincoln & Mr. Shays are this week to take feild & try the Title for Empire in the feild of Mars; whether Good or ill is to be produced, futurity must discover.

You seem in Connecticut to be in the spirit of poetizing. The Anarchiad, book 23d is read here,³ with much pleasure & obtains applause, Tis judgd. to be a meritorious production.

I had hopes from some Information your Son gave me, to have had your Company with Miss Wadsworth from Greenfield, but you & the fates disappointed me.

In full hopes you will by Letter communicate from time to time how you feel & act in Connecticut, I am with much Esteem & respect Your very humble Sert.,

Stephen Mx. Mitchell

RC (CtHi: Wadsworth Papers).

¹ Although William Pierce arrived in New York on January 11 he did not take his seat in Congress until the 17th, for which see Pierce to Thomas Washington, January 14.

² Egbert Benson, John Haring, John Lansing, Melancton Smith, and Abraham Yates, Jr., were elected on Friday, January 26, to represent New York in Congress the ensuing year. New York Senate Journal, p. 15, DLC(ESR).

³ Book xxiii of the *Anarchiad*, or "American Antiquities, No. IV," was originally printed in the January 11 issue of the *New Haven Gazette and Connecticut Magazine*. A mock-epic poem satirizing American political life, written in collaboration by the Connecticut Wits,

David Humphreys, Joel Barlow, Lemuel Hopkins, and John Trumbull, the *Anarchiad* appeared sporadically in twelve numbers in the *New Haven Gazette* from October 26, 1786 to September 13, 1787. It was widely reprinted in various American newspapers. See David Humphreys et al., *The Anarchiad: A New England Poem*, ed. Luther G. Riggs (1861; reprint ed., Gainesville, Fla.: Scholars' Facsimiles & Reprints, 1967), pp. vi, 18–24.

William Blount to Richard Caswell

Dear Sir, Private

New York January 28th 1787

By this Conveyance I send a Number of News Papers inclosed to your Address which contain all the current News of this place or rather may serve to shew that there is but very little or none. About fifteen days past seven States appeared on the floor of Congress and produced their respective Credentials and proceeded to the Choice of a President but in vain as not more than two states could agree in any one Man and I really am unable to unravel the Mystery of this Business nor can I form any Opinion who will be the Man.¹ After this Meeting there continued to be seven States in the City for about a Week but never again appeared at the same Time on the floor owing to indisposition of some one or other and after this last mentioned Period expired the New York Delegation were off the floor and the new Appointment did not take place before yesterday so that I suppose We shall again on Monday that is tomorrow have seven States on the floor and if no more I believe it is pretty certain no President can be agreed on by them.

The ostensible Objection raised by the Yankees against a Delegate from No. Carolina being put in the Chair² is that that state is about to make some antifederal Appropriation of her Tobacco that is by ordering the Money arising from the sale of it to be applied to the Payment of the Interest due on the foreign debt and not suffering it to come into the Continental Treasury subject to their Appropriation. This report has been spread by Mr. Dowse and indeed I am told that a Letter of Mr. Maclaines wrote as Chairman of a Committee justifies the Report. If this is true it is surely a very antifederal Act.³ Mr. Dowse goes further and says a Dissolution of the Union was publicly and openly spoke as a thing that would and ought to happen because the Northern states were injurious to the southern and that some Members said if a Dissolution was to take place that it would be best to hold on altogether upon the Tobacco. In reply to all this I can only say that some imprudent Members may have expressed themselves unthinkingly but that I believe the Legislative Acts will evince a different Spirit.

It is with great Pleasure I learn by a Letter from Mr. Sitgreaves for I have not been favoured with one from yourself that you are again re-elected Governor also that Hawkins is elected to supply the place of Mr. Nash⁴ and as he was elected so early as before the 20th December I am in hourly Expectation of his Arrival and Colonel Grayson of Vir-

ginia is in hourly Expectation of the Arrival of Mr. Madison and these two Arrivals will complete the Delegation of the four southern states and a Delegation is shortly expected from Maryland so that the southern Interest will be strong.

As there has been no Business done by Congress since my arrival you can expect no Congressional News. The new elected Delegation of this state are except one antifederal Peasants⁵ notwithstanding the great Choice the state affords of Gentlemen of Abilities and who were Candidates. Recollecting how earnestly Col. Burton pushed his Election I have daily expected him tho' I have not been favoured with a Line from him nor any other of my Brother Delegates. Will you please to inform me which two may be expected or rather which one beside Hawkins for I count on him certain?

I suppose you have seen the account published in the Papers "that Spain had ceded the Floridas to France" and that you may know as much of the Truth of this assertion as is Known here I will inform You that both the Spanish and French Ministers deny the Truth of this Publication⁶ and are displeased with the Report which induces some People to believe the Report is true as to myself I am unable to form any Opinion tho' I am upon the best of Terms with both these Ministers and have conversed with both of them several Times on this Report. If the state should have done as reported by Mr. Dowse the Delegation here will surely feel very humble for it is already in the Mouth of every body that she has never paid but 7/6 in the Continental Treasury. I am with much Respect and esteem, Your Most Obedient Humble servant,
Wm. Blount

RC (Nc-Ar: Governors' Papers).

¹ See *JCC*, 32:1-11; and the preceding entry.

² For Blount's personal interest in the presidency, see his letters to John Gray Blount of January 7 and 10.

³ In his March 1 reply to Blount, Governor Caswell reported that "Mr. Dowse was mistaken in the Idea he had taken up of the intentions of the State," concerning the disposal of the state's tobacco. *N.C. State Records*, 20:629.

⁴ For the December 16 election of Governor Caswell as well as the new delegation to Congress for the year November 1787 to November 1788—John B. Ashe, Timothy Bloodworth, Benjamin Hawkins, Alexander Martin, Thomas Polk, and James White—see *ibid.*, 18:105-6, 337. For the election of Benjamin Hawkins on December 18 and John B. Ashe on December 20 to fill the unexpired terms of Abner Nash, deceased, and Charles Johnson, resigned, see *ibid.*, pp. 113-14, 117, 128, 340, 342, 346-47, 352; and *JCC*, 34:7.

⁵ Blount is apparently singling out Egbert Benson from his colleagues John Haring, John Lansing, Melancton Smith, and Abraham Yates.

⁶ An item in the January 16 issue of the *New York Packet* reported that "The following . . . are the outlines of the specific terms on which the Spaniards will cede to France the two colonies of East and West Florida, on the continent of North America," listing five points of an agreement. "It is assured," the report concluded, "that there is besides a secret article, by which France guarantees in the most unequivocal terms, the navigation of the Mississippi to the Spaniards alone."

This rumor had been making the rounds of New York for some time, and had prompted the French chargé d'affaires Louis-Guillaume Otto to offer the following denial to John Jay, December 21, 1786, which was printed in the *Packet* January 19.

"Several members of Congress having inquired of me, with a degree of earnestness, whether the news concerning the pretended exchange with Spain, in the southern part of this continent, was well founded, I cannot answer that question better than by communicating to you the following passage, in a despatch from the Count De Vergennes, of the 25th August last: 'The exchange of Louisiana for a French possession in the West Indies, has never been in question. And if anything should be again said of it, you will be pleased to deny it formally.'" See *Diplomatic Correspondence, 1783–89*, 1:241.

William Samuel Johnson to Robert Charles Johnson

N York 28th Jany. 1787. "I received yrs. of the 21st Instt. & heartily congratulate you that your affair has pass'd so much to your satisfaction. I had no concern about Yr. examination when it came to that point, but I own I was a good deal anxious, notwithstanding all the precautions we had taken, least some fresh Scruples relative to your Minority might have embarrass'd the Bar, or the Court, & defeated your design. Mr. Mitchell says, this is a Difficulty, which had he been upon the Bench (as you know he is at Hartford) he could not have got over, on Account of the Danger of the Precedent. I must own I have all along consider'd it as a real embarrassment, & am very glad it is so happily overcome. You must now, if possible, double yr. diligence to complete yr. Accomplishments in every part of yr. Profession, & especially the practical part, in which you have made the least advances, that of drawing Writs, Declarations, & Pleadings, in which the Errors & Mistakes are more immediately obvious & fatal. When you have acquired a facility in this branch, as by Attention and diligence I doubt not you will soon do, I trust you will find every part of the Profession easy, agreeable & profitable to you, as well as Honourable to yourself & all your Connections, which I pray God you may soon experience. I need not repeat that every Aid in my Power I shall most readily & gladly afford you, but after all you must constantly remember that all I can do are but Aids, & that everything depends upon your own diligent & strenuous exertions under the blessing of Heaven, which you must constantly implore."¹ Explains plans for proceeding in the case of "Jere Miller vs. Danl. Gray."

RC (CtH: Johnson Papers).

¹ Johnson continued to maintain a close watch over Charles' career. The Johnson Papers, CtH, contain letters of February 18, March 21, and 28 from Johnson to Charles with instructions on how to proceed in various business and legal matters, as well as a letter of February 7 to his wife explaining his efforts to obtain "[Matthew] Bacon's Abridgm[en]t . . . & Burrough's [James Burrow's] Rep[or]ts" for Charles' library and

apologizing that he could not predict when he might be able to make a trip home because of the severe weather.

Rufus King to Daniel Kilham

Dear Kilham,

New York 28 Jan 1787

Where are you? and why do you continue silent? We are both embarked in the same cause, & why do we refrain from the pleasures of frequent Communications. Nothing has taken place in the general affairs of the Union since I saw you of any consequence except the measures that You are well acquainted with. Indeed congress separated in October, and have not since been organized—seven states will probably be represented Tomorrow, when possibly we may elect a president.¹ I pray you to write to me as often as your leisure will permit; if your letters only contain a few lines, they will be a pleasing offering to an Early and constant Friendship.²

Farewell, be assured that I am most affectionately your's &c,
Rufus King

RC (NNC: King Collection).

¹ Actually Congress had convened with a quorum of seven states on January 17 but was unable to agree on a president. Arthur St. Clair was elected to the post when a quorum was next achieved on February 2. See *JCC*, 32:1–11.

² Kilham drafted his response to King on the verso of this letter.

Georgia Delegates to George Mathews

Sir¹

New York, Jany. 29th. 1786 [*i.e.*, 1787]

As Congress, from the delinquency of many of the States, have not yet been able to meet, we can give you no public or material information: at least none that, at this time, concerns the Union.

We are sorry to inform you that the Government of Massachusetts is greatly disturbed by a serious faction which now prevails in the State. The papers enclosed will best inform you of the present situation of things.

We have the honor to be sir, with much respect, Your most obt. hble servts.,

W Few

Wm. Pierce

RC (NIC: Sage Collection). Written by Pierce and signed by Pierce and Few.

¹ Recently elected Georgia's governor, Mathews (1739–1812) had been a prosperous Virginia frontiersman who fought against the Indians in the Battle of Point Pleasant (1774) and served as a colonel in the 9th Regt. of the Virginia Line before migrating to

Georgia in 1784. He quickly became brigadier general of the state militia and a justice of the peace in 1785, a member of the assembly and governor in 1787, a representative in Congress, 1789–91, and governor again, 1793–96. Disgraced in the Yazoo land fraud scheme, he spent the remainder of his career in the Mississippi Territory, finally serving as President Madison's agent in the abortive "Patriot War of 1812" in East Florida. See G. Melvin Herndon, "George Mathews, Frontier Patriot," *VMHB*, 77 (July 1969): 307–28.

Arthur St. Clair to John Nicholson

Sir

New York Janry 30th. 1787

Coll. Patton has inclosed to me a Letter addressed by you to me on the 22d instant, in which you say you have put a Ballance due to the State in a Train of recovery—that Train of recovery you explained to him to be, that you had ordered a writ to be issued and supposed it was in the Hands of the Sherrif.¹ I beg to ask you Sir if this was not a hasty way of proceeding. If there would have been any impropriety in reminding me, when I had the honor to see you at your Office a few Days before, that there was an old Ballance long due, and that your Duty would require you to compel the payment of it, before you actually proceeded to a step, that must certainly affect my Credit, and might possibly produce my Ruin. I realy think I might have expected thus from any Person, and the purpose of preventing any loss to the State, would more probably have been answered, if the State was realy in Danger. I flat[ter] myself when you reflect upon it you will be of this Opinion. Indeed I shd not know that Ballance was owing tho' this I grant is no Excuse; for, doubtless it is my duty to be acquainted with the manner in which the Business of my Office is conducted. The State however is safe Sir, for they have very good Security, and I still hope, after all the hopes I have sustained, and the Sacrifices I have made in the Course of this Revolution, I am good yet for something more than one thousand Pounds. I thank you for the indulgence until the first of February, but I request you to consider that is a very short day indeed. That it is improbable I should return by that day—and that tho' I am, strictly, responsible only, yet others are connected with the Business. Defer it I entreat, if you think it can be done consistent with your Duty, until my return to the City, which will be as soon as possible, tho a few Days must elapse before I can leave this place.

I Am, Sir, Your very humble Servant,

Ar. St. Clair

[P.S.] Some Gentlemen in Congress have asked me for Copies of your Statement of the Finances of Penna.² I will be obliged to you for a few Copies.

RC (PHi: Gratz Collection).

¹ St. Clair had been under pressure to settle his accounts as vendue master, or auctioneer, of Philadelphia, a lucrative political plum he had been awarded in 1783.



Arthur St. Clair

Nicholson, as comptroller general of Pennsylvania, had had difficulty moving St. Clair to action and had initiated legal proceedings to bring the matter to a head. See also St. Clair to Nicholson, February 13 and March 19.

For the Pennsylvania Council's efforts at this time to force all government officials to pay into the treasury public money held in consequence of their official duties, see *Pa. Council Minutes*, 15:154–55, 168–69; and St. Clair to the Pennsylvania Council, March 19.

² Cf. Rufus King to Nicholson, March 19, note.

William Samuel Johnson to Richard Jackson

Dr. Sr.

N York Janry [?] 1787.¹

I wrote you sometime since² as soon as I rec'd yr. first favr. acquaintg me with yr. havg. rec'd £165.0 for me of the Assign. of Colinson & Tritton acknowg. the rec't of that favr. since which I have been favd. with 2 other Letters from you upon the same subject one of the 24th of June the other of 4th of July last for which I return you my hearty thanks. I have acquaint'd you that I was in dayly expectn. of receivg. the Rept. of the Gentn I had desired to examine the State of yr. Farm & the pretensions of Mr. Reade relative thereto. Unluckily that Business is not yet completed. I have however heard from them that they had been upon the Farm, viewed it, heard Mr Bonde &c, but Mr. Eliot not being able to Attend them they had not finished their Enquiries upon the subject but sho'd chuse to see him before they come to any conclusion. Upon which I wrote so in Novr. to Mr. E. desiring him to attend them as soon as possible & to give them all the Informn. in his Power.³ Since which have heard nothing from them. I have also seen Read who says he intends to do the best he can with the Farm & as he is confident the Gentn. will report in his favr. wishes I might be empower'd to give him a Lease for [the] Farm as you shall Judge proper, or from Year to Year. [I am] sorry I confess for the Resolution of the Corporatn undr. yr. Directn (over which you preside) of which you are happily Govr. to remove their Board of Correspond's from the United States to N. Scotia. Not so much for the Conseqe. of the thing to [...] us for tho' it might have been useful, yet all the efforts hitherto made to Content the Inds. have had little Effect, but because it has rather the Appearances of illiberality & resentment, I cannot conceive that there can be any sufft. Doubt of yr. right to exercise a Trust of so beneficial a Nature in any Court whatsoever. There is certainly no want of proper Objects here, as the Indians tho decay'd are yet numerous upon our borders. They have of late in fact been very troublesome to the Southern States which has oblig'd Congress to raise a Body of Troops to repell their Invasions & protect the Frontiers. It is said they are instigated by the Spanish & British Traders, & the fact may

be so as it is natural to suppose they wish to Keep the Trade as much as they can in their own hands, yet I believe many of our own People have been extremily blamable in their Treatment of them & need Chastisement as much as the Indians themselves. I acknowledge'd the receipt of yr. favr. by Mr. Ansty as soon as it came to hand & in my last presented as he desired his Comps. to you.⁴ After having spent some time here in assiduous Enquiries he is now gone to the So. States to pursue his Investigat[ion]s. I also presented your Compt. to Coll. Humphry by which he esteem'd himself Hond. & begged me in return to present his most respectl. Acknow[ledg]ments to you in return [for] your Obliging Attention to him & his Publicatn. I hope therefore yr Corpo[rati]on may yet at a more fav[orabl]e time reconsider their Resolutn. & not eventually confine their fav[or]s exclusively to N. Scotia especially considg that the exercise of the Trust as app[lie]d to the Inds. must necessarily have been in a foreign Dominion. The Inds. not having been the subjects but Allies or undr. the Protectn. of G.B. form[erl]y & now in the same manr. of the U.S.—The Resn. do's not as I see with resp[ec]t to the Corpn. difference the Case at all. The Tumults & Diss[ensio]ns in the Ste. of M[assachusetts] have been as you no doubt have heard Alarming. We flatter ourselves that Govt. will soon obtain a decided Supperiority & Yet cannot be sure that they will finally terminate without much effusion of Blood.

I have this day drawn upon you in favr. of Messrs. Sadlier & Bailie Merchts. of NY for £165 ster[lin]g which I have no doubt you will honour & am wh. the most respect & Esteam, Dr. Sr.

FC (CtHi: Johnson Papers). In the hand of William Samuel Johnson, and endorsed by him: "Richd. Jackson Esqr., July 4th 1787, & Answer."

¹ Probably written late in January, as the February 1 letter concerning "Jackson's Farm" quoted in note 3 is apparently related to it.

² See Johnson to Jackson, June 2, 1785, and July 30, 1786.

³ Mr. Eliot, who is not further identified in Johnson's correspondence than as one in dispute with a Mr. Reade respecting Jackson's farm, was apparently also the recipient of the following letter from Johnson dated "New York 1st Febr'y. 1787."

"I thank you for forwarding me the Papers relating to Mr. Jackson's Farm. I imagine you have collected all the Information that is necessary, but the matter is not Stated altogether as I could wish, & I fancy must be defer'd till I have the pleasure to see you, as I have not time to write at large upon the subject, & if I had, it might not answer so well as a Conversation to explain what I would. In general, I want a more particular Opinion upon several points, As whether Read conducted prudently? How long he ought to hold the Farm for satisfaction &c? For tho' Mr. Jackson, or I, might Judge perhaps well enough upon the facts you state yet I apprehend it may be best to have your explicit Opinions. I think therefore not to transmit these Papers to Mr. Jackson at present, but to write him generally upon the subject, & have a farther statement when I can see you. What a Lease! Is it possible Esqr. Eliot sho'd draw such a thing? I know not how to Credit it." Slack Collection, OMC.

⁴ See Johnson to Jackson, July 30, 1786, note 2.

Sir Office of Secretary of Congress, Feby. 2d. 1787.

With great respect, &c.³

¹ For this edition of the journals, see *JCC*, 31:969, no. 567.

² See *JCC*, 32:11.

Charles Thomson to the Board of Treasury

Gentlemen Office of Secretary of Congress, February 8th. 1787

It having been suggested to me last spring that there must have been a mistake in the Convention with France touching the money advanced from the Royal Treasury, or that one of the millions said to be advanced previous to the Treaty in 1778 was unaccounted for, or that the million advanced by the General Farm must have been included in the gratuity, I took occasion when I was in Philadelphia last May to confer with Doctor Franklin on the subject, and at his request stated the matter to him in a letter after my return.¹ In answer thereto he sent me the letter and papers, of which the enclosed are Copies.² The letter and papers appearing to me to concern the public, I thought it my duty to communicate them to Congress, who have been pleased to order Copies of them to be sent to your Board.³

With great Respect, I have the Honor to be, Gentlemen, Your Obedient Humble Servant,

C.T.

LB (DNA: PCC, item 18B). FC (DNA: PCC, item 49). Misdated "Febv 8. 1786."

¹ The issue of the "lost million" which Caron de Beaumarchais claimed was owed to him for supplies furnished the United States in 1776, but which critics of Silas Deane and Benjamin Franklin believed had been a gift of the French government and should not be credited to Beaumarchais in the general settlement of his accounts, troubled Congress for years and was not finally settled until 1837. The subject has been thoroughly analyzed in Morris, *Papery* (Ferguson), 5:321-28.

² See the following entry.

³ See JCC, 32:26n, 29n.

Charles Thomson to Benjamin Franklin

Dear Sir

New York Feby 8. 1787

I have received the favour of your letter of the 25 Jany. with the papers enclosed,¹ and as they related to a matter of Public Concern, I judged it proper to communicate them to Congress who have been pleased to order copies thereof to be transmitted to and lodged with the board of treasury,² where I presume they will lie, until Beaumarchais al[ia]s Hortalez & C[ompan]y who still keeps up his demands, shall force a further enquiry. I now return the original letters of M Grand & M. Durival agreeably to your request, and am with great esteem & respect, Dear Sir, Your most affectionately

Cha Thomson

RC (DLC: Franklin Papers).

¹ Franklin's letter and the copies of the enclosures made and retained by Thomson are in PCC, item 82, 3:273-76, 293-311.

² See the preceding entry.

Rufus King to John Adams

Dr Sir,

New York 9 Feby. 1787

By Capt. Boudinot who sailed in January, I wrote to Col. Smith,¹ informing him particularly of the situation of our public Affairs. Since that Time Congress has been organized and General St. Clair of Pennsylvania placed in the seat of the President. Nine States have not yet been represented, and of Consequence few measures of importance have even been debated in this Assembly. Your communications of the favorable Disposition of Portugal, and particularly the directions of that Court to the Commander of a small Portuguese Squadron to extend their Protection to the ships of our Country against the Barbary Corsairs, have induced Congress to write a Letter to the Queen, acknowledging their Gratitude on this Occasion, which Letter is, or will be, transmitted to you, with directions that Col. Smith should repair to Portugal and deliver the same at Lisbon.²

I hoped when I wrote to Col. Smith by Capt. Boudinot, that my next to either of you would have been explicit concerning the Insurgency in Massachusetts. I inclose for your Information a Letter from a Mr. Dwight, a man of Education and Talents who is an Inhabitant of Springfield, which I received by the last post. The Letter may be relied on, and is the latest information we are in possession of—I send the original not having time to copy.³

Should the Packet be detained two Days I may add something farther relative to Massachusetts. I pray you to be assured of the invariable respect of Dr. Sir, Your Obt. & very Hbl. Servt., Rufus King

RC (MHi: Adams Family Papers).

¹ This letter to William Stephens Smith has not been found.

² For this letter of thanks to the Queen of Portugal, reported to Congress on February 3 by secretary for foreign affairs John Jay, see *JCC*, 32:16–17.

³ See King to Thomas Dwight, February 18, note.

William Blount to Richard Caswell

Sir, Newyork February 10th 1787

On the Evening of the 8th Instant I had the Honor to receive by post your Excellency's Letters of the 12 & 13th Ult.¹ and I have the Pleasure to inform you that my Colleague Mr. Hawkins arrived yesterday² after a very disagreeable Journey in which he experienced some unavoidable detention. I have also received from Mr. John Gray Blount an Extract of the Act which authorizes the Delegates in Congress to sell and dispose of the Public Tobacco.³

It is the Opinion of Mr. Hawkins and Myself that We cannot with any Propriety offer the Tobacco for sale untill we are informed at what particular place and the Time when it can be delivered and quantity and quality at each place⁴ as all these will be Requested with every Buyer who means to pay for it and if We should be enabled to Say that it has lately been reinspected at the Ports of Delivry and reweighed it would undoubted insure a better Price. To the other parts we shall pay the earliest and utmost Attention. As a Gentleman waits at my Elbow for the Honor of bearing this with Impatience, I have only Time to add that I am, Your Most Obt. Servant, Wm. Blount

RC (Nc-Ar: Governors' Papers).

¹ Caswell's letter of January 12 is in *N.C. State Records*, 20:602. Blount's reference to one of the "13th Ult." is undoubtedly to Caswell's of January 15, for which see *ibid.*, p. 604.

² Benjamin Hawkins took his seat in Congress February 13. See *JCC*, 32:44.

³ See North Carolina Delegates to the Board of Treasury, February 24, note 1.

⁴ For the efforts of Blount and Hawkins to collect this information, see North Carolina Delegates to the Board of Treasury, February 24 and March 1.

Rufus King to John Adams

Dr. Sir New York 10 Feby 1787

Letters are this moment received from Genl. Lincoln giving the

pleasing intelligence that he dispersed the Party under Shays on the morning of the 5th instant.¹ The Insurgents had marched on the 4th from Pelham to Pipersham distant 30 Miles, with about 1500 Men. Genl Lincoln moved after them at Eight OClock on the same Evening and came on them by Surprize at 9 OClock the next Morning, they fled in all directions; 150 were made prisoners—Shays escaped into New Hampshire, and his men are wholly dispersed.

Genl. Lincoln marched on the 6th with a respectable force into the County of Berkshire where it is said there is a Body of Insurgents. The dissolution of the Assembly under Shays will totally discourage his partizans in Berkshire. The Leaders I think will be easily taken unless they fly.

What will give you much satisfaction is the Declaration made by the Legislature that a Rebellion exists in the Commonwealth—you know the energy and Authority of the supreme Executive in consequence of this Declaration. The General Court met on Saturday the 3d instant, received the address of the Governor, which I inclose, and on Sunday the 4th approved the measures which he had adopted, declared that a Rebellion existed in the Commonwealth, and requested him to adopt the most vigorous measures for the suppression thereof.² I will not add—except that I am most respectfully your obt. & very Humble Servt,

Rufus King

[P.S.] I write this in great Haste and am uncertain whether I can get it on board the Packet.

RC (MHi: Adams Family Papers).

¹ For the account of Benjamin Lincoln's dispersion of the Shaysites in Massachusetts which the secretary at war, Henry Knox, submitted to Congress on February 12, see *JCC*, 32:39; and *PCC*, item 150, 2:223–38. For an analysis of Lincoln's operations, see Robert A. Feer, *Shays's Rebellion* (New York: Garland Publishing, Inc., 1988), pp. 370–81.

² These Massachusetts General Court proceedings were subsequently laid before Congress by the Massachusetts delegates on March 7, for which see *JCC*, 32:93–104.

Rufus King to Henry Lee?

My dear friend,¹

New York 10 Feby. 1787

My letter of Thursday² informed you that Lincoln on the 30th of Jan. was at Hadley and Shays with his Party at Pelham distant about Eight miles. About the 2d instant Lincoln moved his Troops to Pelham and reconnoitered Shays' situation. This approach gave evident uneasiness to the Insurgents, on the Morning of the 3d a Flag was received from Shays with propositions of dispersing his party provided the Leaders could be assured of safety. General Lincoln replied, that

he could enter into no Engagements on that Subject—immediately after, Lincoln received intelligence that Shays intended leaving Pelham, and taking Post at Petersham, distant 30 Miles eastwardly, and situated in that Part of the County of Worcester, where the People were the most disaffected to the Government. This information was confirmed soon after, and Lincoln put his whole Force in motion at Eight OClock that Evening for Petersham, the early part of the night was moderate, but it became a violent North East Snow Storm before three O Clock in the morning, and before day light the cold was intense. The Troops could not be covered, and the Cold was too severe for them to halt. They pressed on, and arrived at Petersham, at 9 O.Clock in the morning. They entered the town near its centre, and the party under Shays were so completely surprized, that the flight was totally irregular, and in all directions. 150 Men were made Prisoners, Shays escaped, and has fled into the State of New Hampshire, every man becoming his own General. I dont learn that there was a Gun fired, or a man hurt.

On the 5th Lincoln disbanded a considerable part of his Forces, and gave orders that the militia at Springfield should be dismissed except a Guard of two companies of 50 men each for the protection of the federal magazine. A Body of Insurgents had collected in Berkshire, and another Body of Militia under Genl. Patterson was assembled to oppose them. Lincoln marched on the 5th or 6th with a respectable Force for Berkshire; since the dissolution of the Party under Shays the Resistance will be small in Berkshire. I think this insurrection will now be wholly suppressed, and the Government in Consequence may [become] more vigorous. I do not form this opinion from the Facts now communicated, but from another quarter; The Legislature of Mass. did not assemble until the 3d, the Governor then communicated the measures he had adopted, and stated that the Situation of the Insurgency required the most decisive measures. The Speech was committed and the two Branches adjourned until the next day, the Report was agreed to, and the Legislature on the same day that Lincoln dispersed Shays declared that a Rebellion existed in the Commonwealth, approved the conduct of the Governor, and requested him to adopt the most vigorous Measures to suppress the same. You will remember that when the Legislature declare the existence of a Rebellion the powers of the Governor, by our Constitution, become almost absolute. He may exercise Law martial, and in every Respect Treat the Citizens in arms agt. the state & their adherents as open Enemies.

What think you of this? Farewel,

R King

[P.S.] I hope to see you very soon. Nine states are represented.

RC (DLC: Miscellaneous Manuscripts).

¹ Not identified, but apparently a delegate from a state other than Massachusetts whom King expected to return soon to Congress (see postscript). The letter was acquired by the Library of Congress in 1908 with a group of 82 documents of almost entirely southern, and principally Virginian, provenance, 12 of which were addressed to Henry Lee or Henry Lee, Jr. If King was indeed addressing a Virginian, Henry Lee is the only delegate who fits the recipient's requirements. He had been reelected to Congress December 1, 1786, and was expected to return soon to New York, although he did not actually resume his seat until April 19. In addition, the two men were of the same general political persuasion, and Lee is known to have been keenly interested in the "disturbances" in Massachusetts.

² Not found.

James Madison to Eliza Trist

New York Feby. 10. 1787

The extreme badness of the weather rendered our journey very disagreeable, and retarded our arrival here till yesterday. From Princeton to Paulus' Hook we had a N.E. snow storm incessantly in our teeth. We met however with no misadventure, nor with any real difficulties except in passing some of the rivers some of which were clogged with Ice, and a half congealed mixture of snow & water which was more in the way than the Ice itself. The turn of the tide very critically removed these obstructions and we got over without danger or the apprehension of it. I found Mrs. Grayson pretty well. Col. Grayson is rather better than I left him last fall in Philada. but is still a frequent prey to his own imagination. The continuance of his unhappy sensations is really extraordinary, and if they resist the influence of Spring as much as they seem to do that of the Winter, will become a source of apprehension to his friends as well as to himself. I am not yet sufficiently initiated into the scene of this place to be able to judge of it. My study will be render it as little inconsistent with my lose of retirement as possible. The family in which I am placed is I dare say an agreeable one,¹ but I almost hesitate in deciding that to be an advantage, as it may expose the unsocial plan I have formed to the greater reproach. God bless you.

Js. Madison Jr²

RC (NN: Emmet Collection). Reprinted from Madison, *Papers* (Rutland), 9:259.

¹ Apparently the "family" residing at the boarding house of Vandine Elsworth, 19 Maiden Lane, for which see *ibid.*, p. 260n.2.

² This day Madison also wrote a letter to his father, James Madison, Sr., which has not been found, relating the latest information on the suppression of the Shaysite insurrection in Massachusetts. He wrote a third letter to his brother Ambrose, referring him to the news contained in the letter to their father, explaining the connection he had made with a Philadelphia merchant for future tobacco speculation, and authorizing Ambrose's shipment of ten hogsheds of tobacco. *Ibid.*, pp. 258-60.

Nathaniel Mitchell to Gunning Bedford, Sr.

Dear Sir,

New-York Feby. 10th. 1787.

The very important question of a removal of Congress to Philadelphia is shortly to be agitated.¹ We wait nothing but the Voice of Delaware—if your intentions are not to serve for any length of time I think on the present occasion you may venture to give us your Company, it may be decided in one or two days, as it will obviate the inconvenience of going to Congress by bringing them to us, I think it behoves us above all Pennsylvania excepted to forward the measure. I build much on your coming, you will be received with open Arms by all the Southern States; If you do not come I flatter myself you will use your endeavours to send on some other Gentleman who is in the Delegation.² It must be done before the 21st of the Month for then the time's of the Gentlemen from S. Carolina expire.³

I have the Honor to be with due Respect, Your Very Hble. Servant,
Nathl. Mitchell

RC (NN: Emmet Collection, no. 3315).

¹ The issue was not taken up formally in Congress until April, for which see James Madison's Notes of Debates, April 10 and 11.

² Upon receiving this letter February 15, Bedford sent off the following note to Dyre Kearny and Thomas Rodney.

"The inclosed just came to Hand, & have forwarded it by Express, in order that you might have the earliest Notice of the Contents, if either of you could set off & be in Congress at the Time Mr. Mitchell wishes." Rare Book Department, PP.

³ With the expiration of the South Carolina delegates' credentials on February 21, Congress was unable to conduct business in earnest until March 8, save for the transitory quorums of February 26 and March 1. See *JCC*, 32:73–84.

Nathaniel Mitchell to Thomas Collins

Sir,

New-York Feby. 10th. 1787.

I think myself in duty bound to give your Excellency the earliest information of every matter wherein the Interest of the State is concerned. At the present time I find the Southern States are ripe for a removal of Congress to Philadelphia, and it is the first time they have all agreed upon this Subject since their coming to New-York. We want nothing but the Voice of Delaware to decide the important question. The times of the Delagates from South Carolina expire the 21st of this month. I hope your Excellency will use your endeavours to send on some one of the Gentlemen who are in the Delegation,¹ it may be decided in one Day—and if They do not come on I think and it is generally thought we are permanently fixed. Georgia, South Carolina, North Carolina, Virginia are here. Maryland is coming on. Delaware I

have vouched for. Pennsylvania are all sure, Jersey but in part, we have nothing to apprehend but the delinquency of Delaware and from thence I think there is little to fear if the measure meets your Excellencies Concurrence.

I have the Honor to be your Excellencies Most Obedient & Very Hble. Servant,
Nathl. Mitchell

RC (PHi: Gratz Collection). Addressed: "His Excellency Thomas Collins, President of the Delaware State."

¹ President Collins' response to Mitchell's appeal led Dyre Kearny to write the following letter to Thomas Rodney February 16 and to attend Congress March 1.

"I have this moment recived the enclosed Packet from his Excellency the President, requesting the Attendance of one of us in Congress by the 21st of this month for Purposes which you be informed of by the enclosed.

"Altho I am deeply impress'd with the importance of their Object yet the time before which the Question will come on is so extremly Short, and my pecuniary resources not come atable till next Week That I very much fear the Attendance required will not be in my Power.

"I very much trust it may suit Your Convenience to attend. You will be good enough to return me a Line Sir on the Subject with as much Expedition as Possible as the Express is in waiting." Gratz Collection, PHi.

Rufus King to Elbridge Gerry

My Dr. Friend,

New York 11th Feb 1787

I congratulate you on the favorable situation of the Government in the western counties; Lincoln has undoubtedly answered the most sanguine expectations of his friends, and indeed I confess has accomplished by the aid of warrants, what I did not apprehend could be effected in that cautious manner of proceeding.

The Declaration of the existence of a rebellion will do great Honor to the Government & constitution of Massachusetts. I can already mark good consequences in the Opinions which it authorizes relative to our vigour and spirit. I feel myself a much more important man, than I was in the Humility of a few Days past.

I hope the most extensive & minute Attention will now be paid to the eradicating of every Seed of Insurgency. Remember however that Punishment to be efficacious should not be extensive—a few & those of the most consequence should be the Victims of Law. Do you attend the Legislature? How will they stand on the plan of a convention at Philadelphia? For a number of Reasons, although my Sentiments are the same as to the Legality of this measure, I think we ought not to oppose, but to coincide with, this project. Let the appointment be numerous, and if possible let the men have a good Knowledge of the Constitutions and various Interests of the several States, and of the good & bad qualities of the Confederation.

Events are hurrying us to a Crisis, prudent and sagacious men should be ready to seize the most favorable Circumstances to establish a more perfect & vigorous Government. I hope you will be at leisure to attend the Convention. Madison is here. I presume he will be preparing himself for the Convention. You know he is a Delegate for Virginia; he professes great Expectations as to the good Effects of the Measure. Farewel.

R. King

RC (NNPM: Gerry Papers).

James Madison to Thomas Jefferson

Dear Sir

New York Feby. 15th. [11th?] 1787¹

My last was from Richmond of the 4th of December,² and contained a sketch of our legislative proceedings prior to that date. The principal proceedings of subsequent date relate as nearly as I can recollect 1st to a rejection of the Bill on crimes & punishments, which after being altered so as to remove most of the objections as was thought, was lost by a single vote. The rage agst. Horse stealers had a great influence on the fate of the Bill. Our old bloody code is by this event fully restored, the prerogative of Conditional pardon having been taken from the Executive by a Judgmt. of the Court of Appeals, and the temporary law granting it to them having expired and been left unrevived. I am not without hope that the rejected bill will find a more favorable disposition in the next Assembly. 2dly to the bill for diffusing knowledge. It went through two readings by a small majority and was not pushed to a third one. The necessity of a systematic provision on the subject was admitted on all hands. The objections agst. that particular provision were 1. the expence; wch. was alledged to exceed the ability of the people 2. the difficulty of executing it in the present sparse settlement of the Country. 3. the inequality of the districts as contended by the Western members. The last objection is of little weight and might have been easily removed if it had been urged in an early stage of the discussion. The bill now rests on the same footing with the other unpassed bills in the Revisal. 3dly to the Revisal at large. It was found impossible to get thro' the system at the late session for several reasons. 1. the changes which have taken place since its compilation, in our affairs and our laws; particularly those relating to our Courts, called for changes in some of the bills which could not be made with safety by the Legislature. 2. the pressure of other business which tho' of less importance in itself, yet was more interesting for the moment. 3. the alarm excited by an approach toward the Execution-Bill which subjects land to the payment of debts. This bill could not have been carried, was too impor-

tant to be lost, and even too difficult to be amended without destroying its texture. 4. the danger of passing the Repealing Bill at the end of the Code, before the operation of the various amendments &c. made by the Assembly could be leisurely examined by competent Judges. Under these circumstances it was thought best to hand over the residue of the work to our successors, and in order to have it made compleat, Mr. Pendleton, Mr. Wythe & Blair were appd. a Committee to amend the unpassed bills & also to prepare a supplemental revision of the laws which have been passed since the original work was executed. It became a critical question with the friends of the Revisal whether the parts of the Revisal actually passed shd. be suspended in the meantime, or left to take their operation. The first plan was strongly recommended by the advantage of giving effect to the system at once, and by the inconveniency arising from the latter of leaving the old laws to a constructive repeal only. The latter notwithstanding was preferred as putting the adopted bills out of the reach of a succeeding Assembly, which might possibly be unfriendly to the system altogether. There was good reason to suspect Mr. {Henry}³ who will certainly be {then a member}. By suffering the bills which have passed to take effect, in the meantime it will be extremely difficult to get rid of them. 4thly Religion. The Act incorporating the protestant Episcopal Church excited the most pointed opposition from the other Sects. They even pushed their attacks agst. the reservation of the Glebes &c. to the Church exclusively. The latter circumstance involved the Legislature in some embarrassment. The result was a repeal of the Act, with a saving of the property. 5th The district Courts. After a great struggle they were lost in the House of Delegates by a single voice. 6thly taxes; the attempts to reduce former taxes were baffled, and sundry new taxes added; on lawyers 1/10 of their fees, on Clks of Courts ¼ of do., on doctrs. a small tax, a tax on houses in towns so as to level their burden with that of real estate in the Country, very heavy taxes on riding carriages, &c. Besides those an additional duty of 2 Per Ct. ad valorem on all merchandizes imported in vessels of nations not in treaty with the U.S. an addl. duty of 4 d. on every gallon of Wine except French wines, and of 2 d. on every gallon of distilled Spirits except French brandies which are made duty free. The exceptions in favor of France were the effect of the sentiments & regulations communicated to you by Mr. Calonne.⁴ A printed copy of the communication was recd. the last day of the Session in a newspaper from N. York and made a warm impression on the Assembly. Some of the taxes are liable to objections, and were much complained of. With the additional duties on trade they will considerably enhance our revenue. I should have mentioned a duty of 6/. per Hhd. on Tobo. for complying with a special requisition of Congs. for supporting the corps of men raised for the public security. 7th the Mississippi. At the date of my last the House of Delegates

only had entered into Resolutions agst. a surrender of the right of navigating it. The Senate shortly after concurred. The States South of Virga. still adhere as far as I can learn to the same ideas as have governed Virginia. N. Jersey one of the States in Congress which was on the opposite side has now instructed her Delegates agst. surrendering to Spain the navigation of the River even for a limited time. And Pena. it is expected will do the same. I am told that Mr. Jay has {not ventured to proceed in his project} and I suppose will {not now do it}. 8th The Convention for amending the federal Constitution. At the date of my last Virga. had passed an Act for appointing deputies. The deputation consists of Genl. Washington, Mr. Henry late Govr., Mr. Randolph present Govr., Mr. Blair, Mr. Wythe, Col. Mason & Js. M[adison]. North-Carola. has also made an appt. including her present & late Govr. S. C. it is expected by her delegates in Congs. will not fail to follow these examples. Maryland has determined I just hear to appt. but has not yet agreed on her deputies. Delaware, Penna. & N. Jy. have made respectable appointmts. N. York⁵ has not yet decided on the point. Her Assembly has just rejected the impost which has an unpropitious aspect. It is not clear however that she may not yet accede to the other measure. Connecticut has a great aversion to Conventions, and is otherwise habitually disinclined to abridge her State prerogatives. Her concurrence nevertheless is not despaired of. Massts. it is said will concur, though hitherto not well inclined. N. Hampshire will probably do as she does. Rhode Island can be relied on for nothing that is good. On all great points she must sooner or later bend to Massts. & Connecticut.

Having but just come to this place I do not undertake to give you any general view of American Affairs, or of the particular state of things in Massts. The omission is probably of little consequence as information of this sort must fall within your correspondence with the office of foreign affairs. I shall not however plead this consideration in a future letter when I hope to be more able to write fully.

Feby. 15. 1787

Mr. Fitzhugh has paid into my hands for your use £58.6.8. Virga. Currency in discharge of 1000 livres advanced to him in France. He was anxious to have settled it according to the actual exchange instead of the legal one of 33½ on the British standard, and even proposed the addition of Interest. I did not hesitate to conclude that I should fulfill your intentions by rejecting both. I have sent to Mrs. Carr £25 for the use of your nephews as you directed. The balance is in my hands subject to your orders tho' I shall venture to apply it in the same way if I shd. be apprized of its being necessary to prevent interruption to the studies of the Young gentlemen. My last informed you of the progress &c. of Master Peter. I have since recd. from the presidt. of Hampden

Sydney a letter containing the following paragraph.⁶ "Dabney Carr is a boy of very promising genius & very diligent application. He conducts himself with a good deal of prudence, & I hope will answer the expectations of his friends. I was afraid at first that he was dull or indolent from his appearance, but I find myself agreeably disappointed. His principal study at present is the Latin language, but he is also obliged to pay some attention to his native tongue["].

I remain Dr. Sir Yr. Affecte. friend,

Js. Madison Jr

RC (DLC: Madison Papers). For the outline of this letter that Madison jotted on the verso of one he had recently received, see Madison, *Papers* (Rutland), 9:270.

¹ Madison, who had arrived in New York Friday, February 9, wrote the first two paragraphs of this letter before attending Congress on the 12th. "Having but just come to this place," he explained in his second paragraph, he could not give Jefferson information on national affairs, "or of the particular state of things in Massts.," news of which was presented to Congress Monday, February 12. *JCC*, 32:39. Madison wrote and dated the final paragraph "Feby. 15" and amended the opening dateline accordingly, although the numeral over which he wrote "5" is not decipherable. In his March 19 letter to Jefferson, however, Madison unmistakably wrote "My last was of the 11th of Feby." Notwithstanding, the editors of the Jefferson and Madison papers rendered that date as "15th of Feby." to coincide with their printing of this letter under February 15. See Jefferson, *Papers* (Boyd), 11:152, 219; and Madison, *Papers* (Rutland), 9:267, 317. Cf. Burnett, *Letters*, 8:539.

² See Madison, *Papers* (Rutland), 9:189–92.

³ Words printed in braces in this text were written by Madison in cipher.

⁴ For Calonne's October 22 letter to Jefferson on French trade, see Edward Carrington to Madison, December 27, 1786, note 3.

⁵ At this point in the manuscript, Madison later inserted an asterisk to which he keyed the following penciled observation: "to be noted in proof of error in the leading position assigned to N.Y; to the detriment of Vas.' claim & right to precedence. See Res. of Congress 21 Feby. [1787]—advertisement to Secret Journal." On that date the New York delegates presented their instructions to Congress and moved that the convention to be held in Philadelphia restrict itself to "revising the Articles of Confederation . . . to render them adequate to the preservation and support of the Union"—a recommendation that closely resembled the resolution adopted later that day. See *JCC*, 32:71–74.

⁶ For this letter from John Blair Smith, see Madison, *Papers* (Rutland), 9:204–5.

James Madison to James Monroe

Dear Sir

New York Feby. 11. 1787

I got to this place two days ago after a very tedious journey. I had the pleasure to find the family with which you are connected well,¹ but full of complaints agst. your epistolary failures. I became your apologist as far as I could, but have agreed to give you up if you do not give future proofs of repentance & amendment.

I have already intimated to you the urgency of Mazzei on the subject of his protested bills,² and asked for information as to the steps taken by you in his behalf, and your advice as to the further steps proper to be taken. Dorman is here still, and of course I shall have an

opportunity of serving our friend as far as the case will admit. Let me hear from you pray as quickly as possible. Let me have your commands also as to the ballance I owe you.³ It is ready & will remain so till you direct its appropriation.

Having not yet taken my seat in Congress and had but little conversation with the members, I have nothing to communicate on the state of business before them. A congress has been made up but a few days only. After some contest between the friends of Mr. Blount & Genl. Sinclair, the latter was put into the chair.⁴ The inclosed paper will give you the latest intelligence from Massts. Our friend Grayson remains nearly in status quo. He is a valetudinarian without being sick, and unhappy without knowing why. Give my best respects to Mrs. Monroe. I regretted much when at Fredricksbg that I should be so near without seeing you both, but it was impossible without a culpable delay & wd. have been otherwise inconvenient. Adieu: Yrs affecy.

Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:260–61.

¹ That is, the New York family of his wife, Elizabeth Kortright Monroe.

² For which see *ibid.*, pp. 100–104.

³ For the \$137.50 Madison owed Monroe, see *ibid.*, pp. 220–21.

⁴ That is, William Blount and Arthur St. Clair. See *JCC*, 32:11.

Virginia Delegates to Edmund Randolph

Sir.

N York. Feby. 12th. 1787.

We have the honor of acknowledging the receipt of your letter of the 21st Jany., & beg leave to assure you of our entire concurrence in your proposition of a weekly correspondence.

With respect to the expences of the late expedition agt. the Indians, we shall act according to circumstances though from present appearances we have very little hopes of getting them placed to the account of the Continent.¹

We have the pleasure to acquaint you that from information recd. to day from Genl. Lincoln, there is every reason to conclude the rebellion in Massachusetts bay is on the point of being extinguished: the party under Shay (the ring leader) is dispersed. The Genl. has taken one hundred & fifty prisoners, & is pursuing the fugitives.

As there is now a Congress, we shall attend particularly to your request respecting the Arms, & give you information thereon in our next.² We have the honor to be with the highest respect yr. Excys. Most Obed Servts.,

Willm. Grayson.

Js. Madison Jr

RC (TxU); reprinted from Madison, *Papers* (Rutland), 9:266.

¹ In his January 21 letter to the delegates Randolph had enclosed one of January 24 to the president requesting that Congress consider "the propriety of Virginia taking Credit for the Expenditures against the United States" incurred in its expedition against the Indians north of the Ohio River in the summer and fall of 1786 since the expedition enhanced the "federal Interest." He enclosed copies of letters from the commanders Gen. George Rogers Clark and Col. Benjamin Logan. See *Journals of the Virginia Council*, 4:29; and PCC, item 71, 2:467-74. Randolph's letter with its enclosures, however, was not read in Congress until July 28, when it was referred to Secretary Charles Thomson. His July 30 report was referred to a committee consisting of James Mitchell Varnum, Abraham Clark, and Nathan Dane, which reported on August 2 that Randolph's request could not be complied with—"the said expedition not having been authorised by or conducted under the knowledge or direction of the United States." See *JCC*, 33:430n.2, 441, 449-50.

Clark, in the meantime, had embroiled both Virginia and Congress in a foreign dilemma. While Logan's expedition along the Great Miami had met with success, Clark's foray against the Indian villages on the upper Wabash had ended abruptly when his militia deserted, forcing him to retreat to Vincennes where he engaged in illegal recruitment and seized goods belonging to Spanish subjects, partly in retaliation for Spain's closure of the Mississippi to Kentucky traders. Prominent settlers who opposed Clark protested to the Virginia government, which disavowed Clark's actions, revoked his authority, and appealed to Congress to negotiate with the Indians. See *JCC*, 32:189-99; PCC, item 71, 2:490-519; *Journals of the Virginia Council*, 4:46-47; and *Cal. of Va. State Papers*, 4:182ff. For a review of Clark's activities at this time, see James A. James, *The Life of George Rogers Clark* (1928; reprint ed., New York: AMS Press Inc., 1970), pp. 347-80; and Leonard C. Helderman, "The Northwest Expedition of George Rogers Clark, 1786-1787," *Mississippi Valley Historical Review* 25 (December 1938): 317-34. See also the enclosures to Charles Thomson to Randolph, February 16, and Thomson to Randolph, April 30, note 1.

² See Virginia Delegates to Randolph, December 24, and February 19, note 2.

Arthur St. Clair to John Nicholson

Sir

New York Feby. 13th. 1787

Your Letter of the 3d instant did not reach me until the 10th. I was not to learn, Sir, that my Accounts are directed to be settled Quarterly, and that it is your duty to see it done, and to compel the payment of any Ballance that may be due to the State;¹ neither have I ever been absurd enough, even in thought, to complain of your discharging your Duty, however I may have expressed myself, which indeed I do not remember, as I have no Copy of the last Letter I wrote you. I did however, I know, complain that some intimation was not given that, if the Debt due by me was not paid by some certain time, a Suit would be instituted. I believe I said that I thought I might have expected such intimation and I believe upon Reflection you will be of Opinion that if I had not reason to expect it from You as an Officer, I was not wrong to expect it from you as a Man. It is most certain I did not know that old Balance had not been paid off. Tho I acknowledge now, as I did then, that is no Justification—but if you had been pleased to have been more

explicit, it would have led me to enquire more particularly, and I certainly had not left the City until provision had been made for the payment, tho' it had been attended with giving you the trouble to cut up more of my Certificates. It is true Sir many of them have been for Sale, and for purposes I am not ashamed of—for discharging Debts contracted during the progress of the Revolution—which cost me a great part of my Property when many others were making their Fortunes.

As to the Attestation to the Accounts, I request you to recollect that before I removed my Family from Philada. I communicated to you my Doubts on that Head, and desired to know whether the Attestation could not be made by one of the Gentlemen who did the Business for me, and that you told me it could be done. I own that I have since been surprised to find them presented to me for that purpose, but I ascribed it to your desire to have it done by me rather than another, as being more regular—that the Attestation by either would give the State no greater security I agree, for I have that Opinion of the Integrity of all concerned, that nothing would be done by them where that Sanction is not required, that they would not be very ready to confirm by it, if it should be thought necessary.

I hope to be in Philada. by the 20th, and am Sir, Your humble Servant,
Ar. St. Clair

RC (NjMoHP; Lloyd W. Smith Collection).

¹ For the context of this letter, see St. Clair to Nicholson, January 30, note.

James Madison to Edmund Randolph

Dear Sir

N. York Feby 15th. 1787.

Having but recently got here I had not time to add a few private lines as I wished to our public letter.¹ We have as yet no definitive information from Masts. touching the operations of Genl. Lincoln. Little doubt however is entertained that the insurrection will be effectually quelled. The Legislature of that State seem to have taken great spirits from the prospect. They have come at length to the Resolution of declaring the existence of a Rebellion, and it is said mean to disarm and disfranchise all who have been engaged in it. We have no information from any other quarter, and I have not been here long eno. to collect any just idea of the general politics here. The papers of the day are very barren, and I inclose one only as introductory to my purpose of inclosing them as often as they may deserve it. Adieu Yrs. affy,

Js. Madison Jr

RC (DLC; Madison Papers). *Maïson, Papers* (Rutland), 9:270–71.

¹ See Virginia Delegates to Randolph, February 12.

Extract of Letter from a gentleman in North-Carolina to a gentleman in Congress.

"I have just seen ——— & ——— who are returning from Nash Ville they inform me that General Clarke and Colonel Logan are now on their March with some Militia from Kentucky to punish the western Indians for their predatory excursions against our Citizens.

"Clarke is much exasperated against some Spaniards and others, settlers at Opost; he charges them with furnishing the Indians with Military Stores, and declares his intention of using them with a heavy hand, as well as of retaliating on the Spaniards for some of the Seizures and Confiscations of the property of our Citizens at the Natches. They add that Clarke is constantly drunk." November [6,] 1786³

RC and enclosures (Vi: Continental Congress Papers).

¹ For Governor Randolph's letter and the enclosed November 23 Virginia act, which were read in Congress February 3, see PCC, item 71, 2:461–65; and JCC, 32:26n.

Randolph also sent copies of the act to the various states, for which see *N.C. State Records*, 18:788–89, 792; and *Pa. Archives*, 1st ser. 11:523–24.

² For the context of and congressional response to these reports of George Rogers Clark's activities, see Virginia Delegates to Randolph, February 12, note 1; and Charles Thomson to Randolph, April 30, note 1.

³ This document is dated November 6, 1786, in the copy preserved in PCC, item 49, fol. 327.

Rufus King to Thomas Dwight

My Dr. Sir

New York 18 Feb. 1787

I am indeed obliged to you for your Letter giving me the earliest and only correct account of the State of the Insurgency which I received. The Packet sailed the morning after your Letter came to hand, and I was so strongly impressed with the Anxiety of Mr. Adams at London, that I could not refrain inclosing your Letter to him as the best information in my power to communicate relative to the situation of Massachusetts.¹

We are without information of the proceedings of Genl. Lincoln in Berkshire; and I am extremely anxious to know the present Effects of the proceedings of the General Court, as well in relation to the declaration of the Rebellion & its consequent measures, as concerning the more delicate decision of disfranchising for a limited Time the persons who have born Arms and those who have aided them in the late proceedings against Government.

General Knox has ordered the Recruits at Hartford under Colo. Humphries to rendezvous at Springfield, I am uncertain of the num-

ber of this corps, but suppose it to amount to about 100 Rank & File.

I have only Time to add Assurances of real respect & Esteem & that I am sincerely your Obt. & very Humble servt., Rufus King

[P.S.] Pray inform me of the situation of Berkshire if your Leisure will permit.

RC (PHi: Gratz Collection).

¹ Dwight's 11-page February 1 letter to King explaining recent developments concerning Shays' Rebellion at Springfield, Mass., and two enclosed intercepted January 25 letters of the Shaysite captain Luke Day, to Capt. Daniel Shays and to Gen. William Shepard, are in the Adams Family Papers, MHi.

Rufus King to Elbridge Gerry

My Dr Friend,

New York 18 Feb. 1787

I am extremely pleased with the proceedings of the General Court;¹ they will procure them Honor wherever they are known—be assured the late Exertions of the Commonwealth are viewed in a very respectable Light. I have some doubts about the policy of your Bill disqualifying certain Discriptions of Citizens. However I am not so competent a Judge as they are, who have decided in favor of the measure. I hope it will effect the Objects, and operate in the manners expected. We have heard Nothing from Lincoln since he went into Berkshire; If Patterson's conduct is well understood, he is certainly reprehensible, and I hope will meet his due reward.

We have Nine States represented, and If I can form an Opinion from so short an acquaintance with this new Assembly, I should not lament if their year was nearer its Expiration than it is. I promise myself no good from their continueing together; I fear Pennsylvania & Jersey will be entirely under a *southern influence*—if so, I can conceive of no mischief to public Credit, in the settlement of Accounts, and in the just claims of the states, which may not be apprehended.

All the states south of this have appointed to the Convention, but the commissions, or authorities, seem to be different. I say have appointed; Five of them *have* appointed, and the other three undoubtedly will appoint.

I will not venture a conjecture relative to the policy of this measure in Mass. The thing is so problematical, that I confess I am at some loss. I am rather inclined to the Measure from an Idea of prudence, or for the purpose of watching, than from an expectation that much Good will flow from it.

Farewel,

R King

[P.S.] Mrs. King unites with me in sincere regards for Mrs. Gerry and Miss Thomson, and particularly for the former, for whose Health and Happiness we are, at this juncture, extremely anxious. Again Farewel,

RK

RC (NHi: King Papers).

¹ See Massachusetts Delegates to James Bowdoin, February 21.

James Madison to Edmund Randolph

My dear Sir

New York Feby. 18th. 1787.

Your letter for Mr. Jefferson arrived a few hours too late for the packet and must wait for some other conveyance. I have some reason to expect one in ten or fifteen days. Congress have received no late intelligence either from him or Mr. Adams. Nor have any interesting measures yet taken place since they have been assembled in force. Those in expectation relate to 1. The Mississpi. On this subject I have no information to give, not a word having passed concerning it since my arrival. 2. The treaty of peace. This subject is now depending in the form of a Report from Mr. Jay. I find what I was not before apprized of, that infractions on the part of the U.S. preceded in several instances even the violation on the other side in the instance of the Negroes.¹ If Congs. should be able to agree on any measures for carrying the Treaty into execution, it seems probable that the fundmamental one will be a summons of the States to remove all legal impediments which stand at present in the way. There seems to be no reason to believe that G.B. will comply on any other conditions than those signified in the communication of Lord Carmarthen to Mr. Adams.² 3. The proposed Convention in May. A great disagreement of opinion exists as to the expediency of a recommendation from Congs. to the backward States in favor of the meeting. It would seem as if some of the States disliked it because it is an extraconstitutional measure, and that their dislike would be removed or lessened by a sanction from Congs. to it. On the other hand it is suggested that some would dislike it the more if Congs. should appear to interest themselves in it.³ I observe in a late Newspaper that instructions are to be brought forward in the Legislature here to the Delegates in Congress to propose and urge their interposition in favor of the Convention. What the sense of the State is on the merits of the project is not perfectly clear. A refusal a few days ago by a large majority to grant the impost does not augur well.⁴ Hopes however are entertained. The four States North of it are also still to declare their sentiments. Masts. it is now expected will appoint deputies to the Convention, and her example will be much respected by the three others. The intermediate States from N. York to

S. Carolina, Maryland excepted, have made appointments, and Maryland has determined to do so tho' she has not yet agreed on the individuals. S. Carolina & Georgia are supposed by their Delegates here to be well disposed, to back the plan. 4. the troops raising under the authority of Congs. in Massts. The prospect of a close to the turbulent scenes in that quarter has produced a motion for stopping the enlistments.⁵ The delegates from the N England States generally and from Massts. in particular, are anxious that the motion should be suspended for a few weeks, that the influence of the military preparations of the U.S. may be continued in favor of their State Measures, some of which are likely to be pretty vigorous, and to try the strength of their Govt. It appears besides that the Ringleader of the insurrection has not been apprehended, and according to report, still harbours mischeif. We begin to experience already the inconveniency of the clause in our treaties stipulating the privileges of the most favored nation. Mr. Vanberkel has got hold of the late Act of our Assembly in favor of French Wines & brandies brought in French bottoms, and contends that it violates the Dutch Treaty.⁶ He has been told that those privileges are a requital for equal ones granted on the side of France, and that Holland must pay the price before she can claim the concession. His answer is that nothing is said about compensation in the Treaty; that it is expressly stated that the Dutch shall pay no higher duties than the most favored Nation is or shall be obliged to pay. We tell him the compensation is necessarily implied; and that a contrary interpretation would render the Treaty too inconvenient to both the parties to be supposed the true one. He persists in alledging that it is the true one, that the treaty pursues the carrying policy marked by a like stipulation in every treaty where it could be introduced, and that the clause relative to compensation was intentionally omitted. He means to bring the matter before Congs. and to direct the Dutch Consul to protest agst. the duties in case of their being exacted. He professes and appears notwithstanding to be anxious for an amicable adjustment, and would have foreborne to apply to Congs if we could have authorized a hope that the law would not be actually put in Execution agst. Dutch Cargoes. As it is he means to put a copy of the note to Congs. in our hands, that it may be communicated to the State.⁷ I have not yet thoroughly investigated the question. The letter of the Treaty is on his side. The equity of it on ours. If his construction be admitted, the U.S. could not purchase the W. India Trade of G.B. or France without letting in Holland to the privileges granted on our part, altho' she should keep her ports in that quarter shut agst. us: a consideration not only unjust towards us, but creating objections on the part of G.B. or France. A very dismal account of Clarke's proceedings in the Western Country has been informally laid before Congress, & will be forwarded to your department.⁸ If the information be well founded you will proba-

bly receive a confirmation thro' other channels. Send me the letter from Mr. Mercer if you please.⁹ I forgot to ask you for it at the time of my leaving Richmond. Adieu Yrs Affecty.

Js. M.

RC (DL.C: Madison Papers). Madison, *Papers* (Rutland), 9:271–73.

¹ Madison had been added on February 12 to a committee that resumed consideration of John Jay's October 13 report "respecting infractions of the treaty" in which Jay had observed that several American violations, such as Pennsylvania's law impeding the recovery of British debts, had occurred before American slaves had been carried off by the British. See *JCC*, 31:867, 32:43n.

² See David Ramsay to John Adams, May 14, 1786, note 1.

³ Congress took up this matter February 21, for which see *JCC*, 32:71–74; and Madison's Notes of Debates for that day.

⁴ For the New York assembly's February 15 rejection of the Continental impost and its February 20 resolve to send delegates to Philadelphia only for the purpose of revising the Articles of Confederation, see Spaulding, *New York in the Critical Period*, pp. 178–80, 184–86.

⁵ Charles Pinckney's February 14 motion was referred to a committee of five, including Madison, whose February 16 report recommending the postponement of a decision was debated at length on the 19th and eventually postponed under a two-month injunction of secrecy. See *JCC*, 32:57, 61–64; and the following entry.

⁶ Pieter Johan van Berckel, the Dutch minister plenipotentiary, protested that the act passed by the Virginia assembly in its October session exempting French brandy from a new duty on imported liquors violated the most favored nation clause in the Dutch treaty. See Hening, *Statutes*, 12:289.

⁷ See Virginia Delegates to Randolph, March 5, note 1.

⁸ See Charles Thomson to Randolph, February 16.

⁹ Apparently John Francis Mercer's December 23 letter to Madison on the recovery of British debts which Madison had provided Randolph, for which see Madison, *Papers* (Rutland), 9:221–23.

James Madison's Notes of Debates

In Congress. Feby. 19. 1787¹

Mr. Pinckney in support of his motion entered on the Journal, for stopping the enlistment of Troops,² argued that we had reason to suppose the insurrection in Massts., the real, tho' not ostensible object of this measure, to be already crushed: that the Requisition of 500,000 dollrs. for supporting the troops had been complied with by one State only, viz Virginia, and that but in part: that it would be absurd to proceed in the raising of men who could neither be paid, cloathed nor fed, and that such a folly was the more to be shunned, as the consequences could not be foreseen, of embodying and arming men under circumstances which would be more likely to render them the terror than the support of Government. We had, he observed, been so lucky in one instance, meaning the disbanding of the army on the peace, to get rid of an armed force without satisfying their just claims; but that it would not be prudent to hazard the repetition of the experiment.

Mr. King made a moving appeal to the feelings of Congs. reminding them that the real object in voting the troops was, to countenance the exertions of the Govt. of Massts.; that the silent cooperation of these military preparations under the orders of Congs. had had a great and double effect, in animating the Govt. and awing the insurgents; that he hoped the late success of the former had given a deadly blow to the disturbances, yet that it would be premature, whilst a doubt could exist as to the critical fact, to withdraw the co-operating influence of the federal measures. He particularly and pathetically intreated Congs. to consider that it was in agitation and probably would be determined by the Legis. of Massts. not only to bring to due punishment the more active & leading offenders, but to *disarm & disfranchise* for a limited time the great body of them; that for the policy of this measure he would not undertake to vouch, being sensible that there were great & illustrious examples agst. it, that His confidence however in the prudence of that Govt. would not permit him to call their determinations into question; that what the effect of these rigors might be it was impossible to foresee. He dwelt much on the sympathy which they probably would excite in behalf of the stigma[t]ized party, scarce a man was without a father, a brother, a friend in the mass of the people; adding that as a precaution agst. contingencies, it was the purpose of the State to raise and station a small military force in the most suspected districts and that £40,000, to be drawn from their impost on trade had been appropriated accordingly: that under these circumstance[s] a new crisis more solemn than the late one might be bro't on & therefore to stop the federal enlistments and thereby withdraw the aid which had been held out, would give the greatest alarm imaginable to the Govt. and its friends, as it would look like a disapprobation & desertion of them, and if viewed in that light by the disaffected might rekindle the insurrection. He took notice of the possibility to which every State in the Union was exposed, of being visited with similar calamities—in which events they would all be suing for support in the same strain now used by the delegates from Massts. & that the indulgence now requested in behalf of that State might be granted without the least inconvenience to the U.S. as their enlistments without any countermanding orders, would not go on whilst those of the State were in competition; it being natural for the men to prefer the latter service in which they would stay at home & be sure of their pay, to the former, in which they might with little prospect of it, be sent to the Ohio to fight the Indians. He concluded with the most earnest entreaties, and the fullest confidence that Congs. would not at so critical a moment and without any necessity whatever, agree to the motion; assuring them that in 3 or 4 weeks, possibly in less time, he might himself be a friend to it and would promote it.

Mr. P[inckney] in reply contended that if the measures pursuing by Massts. were such as had been stated, he did not think the U.S. bound to give them countenance. He thought them impolitic and not to be

reconciled with the genius of free Govts. and if fresh commotions should spring from them, that the State of Massts. alone should be at the charge, and abide by the consequences of their own misconduct.

Mr. M[adison]³ would not examine whether the original views of Congs. in the enlargemt. of their militar[y] force were proper or not, nor whether it were so [to] mask these views with an ostensible preparation agst. the Indians. He admitted indeed that it appeared rather difficult to reconcile an interference of Congs. in the internal controversies of a State with the tenor of the Confederation which does not authorize it expressly, and leaves to the States all powers not expressly delegated; or with the principles of Republican Govts which as they rest on the sense of the majority, necessarily suppose power and right always to be on the same side. He observed however that in one point of view⁴ military precautions on the part of Congs. might have a different aspect. Whenever danger was apprehended from any foreign quarter which of necessity extended itself to the federal concerns, Congs. were bound to guard agst. it, and altho' there might be no particular evidence in this case of such a meditated interference <by G.B.>, yet there was sufficient ground for a general suspicion of readiness in G.B. to take advantage of events in this Country, to warrant precautions agst. her. But waving the question as to the original propriety of the measure adopted and attending merely to the question whether at this moment the measure ought from a change of circumstances to be rescinded, he was inclined to think it would be more advisable to suspend than to go instantly into the recision. The considerations which led to this opinion were

1. That though it appeared pretty certain that the main body of the insurgents had been dispersed it was by no means certain that the spirit of insurrection was subdued. The leaders too of the insurgents had not been apprehended and parties of them were still in arms in disaffected places.

2. that great respect is due on such an occasion to the wishes and representations of the suffering member of the federal body, both of which must be judged of by what comes from her representatives on the floor. These tell us that the measures taken by Congs. have given great satisfaction & spirits to their Constituents, and have co-operated much in baffling the views of their internal enemies; that they are pursuing very critical precautions at this moment for their future safety and tranquility; and that the construction which will be put on the proposed Resolution if agreed to by Congs. can not fail to make very unhappy impressions, and may have very serious consequences. The propriety of their precautions depends on so many circumstances better known to the Govt. of Massts. than to Congs. that it would be premature in Congs. to be governed by a disapprobation.

3. that every state ought to bear in mind the consequences of popular commotions if not thoroughly subdued, on the tranquility of the Union, & the possibility of its being itself the scene of them. Every State

ought therefore to submit with cheerfulness to such indulgences to others, as itself may in a little time be in need of. He had been a witness of the temper of his own State (Virginia) on this occasion. It was understood by the Legislature that the real object of the military preparations on foot, was the disturbance in Mass[*t*].s. & that very consideration inspired the ardor which voted towards their quota, a tax on tobacco⁵ which wd. not have been granted for scarce any other purpose whatever, being a tax operating very partially in the opinion of the people of that State who cultivate that article: yet this class of the Legislature were almost unanimous in making the sacrifice, because the fund was considered as the most certain that could be provided.

4. that it was probable the enlistments for the reasons given would be suspended without an order from Congs. in which case, the inconveniency suggested would be saved to the U.S. and the wishes of Massts. satisfied at the same time.

5. that as no bounty was given for the troops, and they could be dismissed at any time, the objections drawn from the consideration of expence, could have but little force.

6. That it was contended only for a continuance of the apparent aid of Congs. for 3 or 4 weeks, the members from Massts. themselves considering that as a sufficient time.

After the rejection of the motion as stated on the journal a dispute arose whether the vote should be entered among the secret or public proceedings. Mr. Pinkney insisted that in the latter⁶ case, his view which was to justify himself to his constituents would be frustrated. Most of those who voted with him were opposed to an immediate publication. The expedient of a temporary concealment was proposed as answering all purposes.⁷

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:276–79.

¹ Beginning this day and continuing intermittently through April 26 Madison resumed the daily notes on congressional proceedings that he had kept from November 4, 1782, to June 21, 1783, during his first term as a Virginia delegate, which were published in v. 19 and 20 of these *Letters*. During these ten weeks in 1787 Madison made entries on only seventeen occasions, some of them quite brief, due to Congress' failure to maintain a quorum or to conduct business that Madison regarded as significant. For a physical description of the notes, see Madison, *Papers* (Rutland), 9:275–76; and for the editorial policy adopted by the editors of this project in presenting the texts, see these *Letters*, 19:341n.1.

² See the preceding entry, note 5.

³ Madison later inserted "Madison."

⁴ At this point in the manuscript Madison wrote but crossed out "the right of interposition on the part of the U.S. could not be drawn into doubt," completing the sentence as printed.

⁵ See Hening, *Statutes*, 12:288–89.

⁶ Madison later interlined "former" above this word.

⁷ For Madison's compromise motion to place the vote under a two-month injunction of secrecy, see *JCC*, 32:64.

Immediately following this entry Madison wrote: "Teusday 20 Feby. Nothing of consequence done."

Virginia Delegates to Edmund Randolph

Sir.

N. York 19th. Feby. 1787.

Your favor of has been duly received,¹ though we are sorry to inform you, the packett had sailed a few hours before, so that we could not by that opportunity forward the inclosures.

We have applied to Genl. Knox respecting the arms; but he has declined reporting to Congress even in favor of a sale: so that we have giv'n up all thoughts of procuring them from the Confederacy.² The Genl. has informed us, that Messrs. Cox & Frazer Merchts. in Philada. have a quantity which are excellent in their kind, and which they will dispose of on very good terms. We therefore beg leave to suggest the propriety of your empowering Mr. Carrington to purchase the number wanted for the State. This he can easily accomplish on his return through Philada. to this place.

Mr. King one of the delegates for Massachuzets informs us the rebellion is nearly in the same situation as mentioned in our last: there still exists a party in the County of Berkshire under the command of one Wyley,³ though there is reason to expect, these also will shortly be dispersed. We heartily wish this may be the case as there is good information that the evil is about to be communicated to the frontiers of this State: Indeed if the party in Massachuzets are successful, it is highly probable it may extend much farther. We have the honor to be, with the highest respect, Yr. Excys. Most obt. servts.,

Willm. Grayson

Js. Madison Jr

RC (Vi: Continental Congress Papers). Written by Grayson and signed by Grayson and Madison.

¹ Not found, but perhaps a covering letter to Randolph's two letters of January 28 to Thomas Jefferson. See Jefferson, *Papers* (Boyd), 11:83–85.

² See Virginia Delegates to Randolph, February 12, note 2.

³ That is, Maj. John Wiley who later escaped to Canada. See Marion L. Starkey, *A Little Rebellion* (New York: Knopf, 1955), pp. 168–69, 175.

Stephen Mix Mitchell to the Connecticut Committee of the Pay Table

Gentn.

New York Feby 20th 1787.

Your favor of the 9th Ult was duly recd. with its enclosure,¹ we have not as yet had an Oppertunity to present a Memorial touching the Subject matter of your communication: most of the time since we have been here, no more than seven States have been present, altho

we have nine on the floor at this time, we think our prospect of Success in such an Application unfavorable.

It appears to me, the Genl. Assembly at their last Session, passd. an Act empowering their Delegates in Congress to apply to Congress in the Name & Behalf of the State, praying an allowance of the Charges mentioned by you on the Requisition of 1785. The Copy of this Act we need & have not as yet been favord. with.²

I beg you to apply to the Secretary for it & forward it as soon as possible. 'Tis doubtful whether we shall understand this Business so well as we ought to & still more doubtful whether we shall be able to accomplish the Desires of the State; if we can once bring the Treasury board into our Views on the Subject, our Courage will revive.

I send by Mr. Fowler the journals for —86.

No News worth communicating.

I am Gentl. with the Highest Respect & Esteem, Your very humbl
Sert.,
S. M. Mitchell

RC (MH-H: bMS Am 1649.5). Addressed: "Committee of Pay-Table, Hartford."

¹ This January 9 letter, signed by committeemen Eleazer Wales and Oliver Wolcott, Jr., and their letter of the same date to Gov. Samuel Huntington, which they enclosed, are in the Peter Force Miscellany, DLC. The letter to Huntington also had an enclosure with it—Connecticut's "Account Current with the United States," signed by Paymaster General John Pierce, December 20, 1786. Connecticut wished to claim credit on its Continental quota for payments made to the Connecticut Line, but there is no record in the journals or the papers of Congress that the state's delegates ever submitted the claim.

² "A true Copy of Record" of this act, dated only October 1786, is also in the Peter Force Miscellany, DLC.

James Madison's Notes of Debates

Wednesday Feby. 21 [1787].

The Report of the Convention at Annapolis in Sepr. 1786 had been long under consideration of a Committee of the Congress for the last year; and was referred over to a Grand Committee of the present year.¹ The latter Committee after considerable difficulty and discussion, agreed on a report by a majority of one² only, which was made a few days ago to Congs. and set down as the order for this day. The Report coincided with the opinion held at Annapolis that the Confederation needed amendments and that the proposed Convention was the most eligible means of effecting them. The objections which seemed to prevail agst. the recommendation of the Convention by Congress, were with some 1. that it tended to weaken the federal authority by lending its sanction to an extraconstitutional mode of proceeding—with others 2. that the interposition of Congs. would be considered by the jealous as betraying an ambitious wish to get power into their hands by any

plan whatever that might present itself. Subsequent to the Report, the Delegates from N. York recd. instructions from its Legislature to move in Congress for a recommendation of a Convention; and those from Massts. had it appeared recd. information which led them to suppose it was becoming the disposition of the Legislature of that State to send deputies to the proposed Convention in case Congs. should give their sanction to it. There was reason to believe however from the Language of the instruction from N York that her object was to obtain a new Convention, under the sanction of Congs. rather than to accede to the one on foot, or perhaps by dividing the plans of the States in their appointments to frustrate all of them. The latter suspicion is in some degree countenanced by their refusal of the Impost a few days before the instruction passed, and by their other marks of an unfederal disposition.³ The Delegates from N.Y. in consequence of their instructions made the motion on the Journal to postpone the Report of the Committee in order to substitute their own proposition. Those who voted agst. it, considered it as liable to the objection abovementioned. Some who voted for it particularly Mr. M[adison]⁴ considered it susceptible of amendment when brought before Congs. and that if Congs. interposed in the matter at all it would be well for them to do it at the instance of a State, rather than spontaneously. This motion being lost, Mr. Dane from Massts. who was at bottom unfriendly to the plan of a Convention, and dissuaded his State from coming into it, brought forward a proposition, in a different form, but liable to the same objection with that from N. York. After some little discussions, it was agreed on all sides except by Connecticut who opposed the measure in every form, that the Resolution shd. pass as it stands on the Journal, sanctioning the proceedings & appointments already made by the States as well as recommending further appointts. from other States, but in such terms as do not point directly to the former appointments.⁵

It appeared from the debates & still more from the conversation among the members that many of them considered this resolution as a deadly blow to the existing Confederation. Doctr. Johnson⁶ who voted agst. it, particularly declared himself to that effect. Others viewed it in the same light, but were pleased with it as the harbinger of a better Confederation.

The reserve of many of the members made it difficult to decide their real wishes & expectations from the present crisis of their affairs. All agreed & owned that the federal Govt. in its existing shape was inefficient & could not last long. The members from the Southern & middle States seemed generally anxious for some republican organization of the System which wd. preserve the Union and give due energy to the Government of it. Mr. [Bingham]⁷ alone avowed his wishes that the Confederacy might be divided in[to] several distinct confederacies, its great extent & various interests, being incompatible with a single Government. The Eastern members were suspected by some of

leaning towards some antirepublican establishment, (the effect of their late confusions) or of being less desirous or hopeful of preserving the Unity of the Empire. For the first time the idea of separate Confederacies had got into the Newspapers. It appeared to day under the Boston head.⁸ Whatever the views of leading men in the Eastern States may be, it would seem that the great body of the people particularly in Connecticut, are equally indisposed either to dissolve or divide the Confederacy or to submit to any antirepublican innovations.⁹

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:290–92.

¹ The report, which had been read in Congress on September 20, 1786, had been referred October 11 to a grand committee that was renewed February 12, 1787. See *JCC*, 31:677–80, 770n, 32:42n.

² At this point in the manuscript Madison later underlined “one” and interlined “[See the Journal].” The grand committee’s September 19 report had been considered on the 20th and made the order of the day for the 21st. There is no record of the grand committee’s vote. See *JCC*, 32:43n, 66n, 71–72.

³ See Madison to Edmund Randolph, February 18, note 4.

⁴ Madison later inserted “Madison.”

⁵ See *JCC*, 32:72–74.

⁶ That is, William Samuel Johnson of Connecticut.

⁷ Madison later inserted “Bingham,” but the editors of the Madison papers speculate that he may have been mistaken since William Bingham of Pennsylvania advocated a vigorous federal government. See Madison, *Papers* (Rutland), 9:292n.6.

⁸ That is, in the *Independent Chronicle* (Boston) for February 15. For the argument printed there in favor of a separate confederacy of “the five States of New-England,” and a review of “the idea of separate Confederacies,” see *Doc. Hist. of Ratif.*, 13:54–59.

⁹ Immediately following this entry Madison wrote: “Nothing worth noting till Teusday March 13,” although he later struck out “worth noting” and substituted “noted.”

James Madison to George Washington

Dear Sir

New York Feby. 21. 1787

Some little time before my arrival here a quorum of the States was made up and Genl. Sinclair put in the Chair. We have at present nine States on the ground, but shall lose South Carolina today.¹ Other States are daily expected. What business of moment may be done by the present or a fuller meeting is uncertain. The objects now depending and most immediately in prospect, are 1. The Treaty of peace. The Secretary of foreign Affairs has very ably reported a view of the infractions on both sides, his exposition of the contested articles, and the steps proper to be taken by Congress. I find what I was not before apprized of that more than one infraction on our part, preceded even the violation on the other Side in the instance of the Negroes. Some of the reasoning on the subject of the debts would be rather grating to Virginia. A full compliance with the Treaty according to judicial

constructions, and as a ground for insisting on a reciprocal compliance, is the proposition in which the Report terminates.² 2. a Recommendation of the proposed Convention in May. Congs. have been much divided and embarrassed on the question whether their taking an interest in the measure would impede or promote it. On one side it has been urged that some of the backward States have scruples *agst.* acceding to it without some constitutional sanction: On the other that other States will consider any interference of Congs. as proceeding from the same views which have hitherto excited their jealousies. A vote of the Legislature here entered into yesterday will give some relief in the case. They have instructed their delegates in Congs. to move for the recommendation in question.³ The vote was carried by a majority of one only in the Senate, and there is room to suspect that the minority were actuated by a dislike to the substance rather than by any objections *agst.* the form of the business. A large Majority in the other branch a few days ago put a definitive veto on the Impost. It would seem as if the politics of this State are directed by individual interests and plans, which might be incommoded by the controul of an efficient federal Government. The four States North of it are still to make their decision on the subject of the Convention. I am told by one of the Massts. delegates that the Legislature of that State which is now sitting will certainly accede and appoint deputies if Congs. declare their approbation of the measure. I have similar information that Connecticut will probably come in, though it is said that the interference of Congress will rather have a contrary tendency there. It is expected that S. Carolina will not fail to adopt the plan, and that Georgia is equally well disposed. All the intermediate States between the former and N. York have already appointed deputies except Maryland which it is said means to do it, and has entered into some vote which declares as much. Nothing has yet been done by the New Congs. with regard to the Mississippi. Our latest information from Massts. gives hopes that the mutiny or as the Legislature there now style it, the Rebellion is nearly extinct. If the measures however on foot for *disarming* and *disfranchising*, those concerned in it should be carried into effect, a new crisis may be brought on. I have not been here long enough to gather the general sentiments of leading characters touching our affairs & prospects. I am inclined to hope that they will gradually be concentrated in the plan of a thorough reform of the existing system. Those who may lean towards a monarchical Govt. and who I suspect are swayed by very indigested ideas, will of course abandon an unattainable object whenever a prospect opens of rendering the Republican form competent to its purposes. Those who remain attached to the latter form must soon perceive that it can not be preserved at all under any modification which does not redress the ills experienced from our present establishments. Virginia is the only

State which has made any provision for the late moderate but essential requisition of Congs. and her provision is a partial one only.

This would have been of earlier date, but I have waited for more interesting subjects for it. I shall do myself the pleasure of repeating the liberty of dropping you a few lines as often as proper occasions arise, on no other condition however than your waving the trouble of regular answers or acknowledgments on your part. With the greatest respect and Affection I am Dr. Sir, Yr. Obedt. friend & Servt.,

Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 9:285–86.

¹ The committee on qualifications had reported on February 12 that the credentials of the South Carolina delegation expired this day. On March 6 the South Carolina assembly elected Pierce Butler, Daniel Huger, and John Kean as delegates to serve until the first Monday in November. Huger presented his new credentials on March 20 and Kean on May 28, attending the 29th. The state was not officially represented until July 4, however, when Congress finally achieved a quorum and Kean's credentials were entered on the record. Butler, who attended the federal convention, presented his credentials on August 2 but was "excused" to return to Philadelphia. See *JCC*, 32:31, 122, 294, 298, 33:449–50.

² See Madison to Edmund Randolph, February 18, note 1.

³ See *ibid.*, note 4, and the preceding entry. Madison's failure to mention here the New York delegates' motion carried this day indicates that he wrote this letter before attending Congress. See *JCC*, 32:72–73.

Massachusetts Delegates to James Bowdoin

Sir,

New York 21 Feb. 1787

We received by the last post your Excellency's letter of the 9th instant inclosing the papers therein referred to as explanatory of the proceedings of the general Court, and also your Excellency's other Letter inclosing a letter for the Governor of this State, which we immediately delivered.¹

We shall as soon as possible communicate to congress, the information, which the general Court have been pleased to direct us to lay before them;² and it affords us pleasure to inform your Excellency that we have reason to suppose that the Legislature of this State to whom the Governor thereof communicated your Excellency's Letter on the subject of the Proclamation,³ will order that business to be conducted in the most friendly manner, and entirely conformable to the wishes of the Government of Massachusetts.

The secretary at war having ordered the Troops raised in Connecticut under the Resolutions of the 20th of Octr. last to repair to Springfield, for the protection of the federal magazine, and having authority likewise to direct those raised in Massachusetts to take

James M. Varnum to Benjamin Bourne

Sir,¹

New York 21st February 1787

Newhampshire and Rhode Island not being represented in Congress, the influence of the Eastern States languishes extremely. This misfortune is the more to be lamented, as matters of the first magnitude will soon be in agitation. Particularly, the requisitions for the present year; the Treaty between the States and Great Britain, and the infractions charged by the British ministry; A decided and conclusive mode for finally settling the accounts of the respective States with the united States, and several matters of subordinate consideration.

It seems to be a point almost decided to recommend to the States the sending of commissioners to meet in Convention at Philadelphia for the purpose of reforming the federal constitution.² Should that measure be adopted, we shall want all our influence to effect a speedy adjournment of Congress, which I am determined to urge with incessant importunity.³

You will be pleased to make my general communications known to our mutual Friends, if I may be allowed to consider you as the conduit of intelligence. For numerous correspondences are obviously dangerous.

With sincerest Affection to yourself and family, I have the honor of being &c.,

J V

P.S. The Recommendation is this moment adopted.

RC (MeHi: Fogg Collection).

¹ Benjamin Bourne (1755–1808), a 1775 Harvard graduate and Providence attorney, with Varnum vigorously opposed Rhode Island's paper money policies and supported the movement for strengthening the national government. He was a member of the Rhode Island Assembly, 1789–90, the United States Congress, 1790–96, and a federal judge, 1801–8. *Bio. Dir. Cong.*

² Varnum was a member of the grand committee to which this issue had been referred. For the adoption of this recommendation this day, see the preceding entry; and Varnum's postscript.

³ For Varnum's support of an April 10 motion to adjourn Congress to Philadelphia, see *JCC*, 32:167–69; and Rufus King to Elbridge Gerry, April 11, 1787.

James M. Varnum to Benjamin Franklin

Sir

Newyork 23d. February 1787.

As the efforts of genius, however confined to a barren soil, are ever pleasing to great minds, I take the liberty of presenting to your Excellency the pamphlet accompanying this address,¹ persuading myself

that any apology for so doing, would infer an ignorance of the Universal candor and benevolence of your character.

I have the honor of being sir, with the most profound esteem and veneration, your Excellency's very obedient and most humble servant,
James Mitchel Varnum.²

RC (PPAmP: Franklin Papers).

¹ Apparently Varnum's history of the controversial Rhode Island paper money case, *Trevett v. Weeden*, in which Varnum had served as counsel for the defense. For *The Case, Trevett against Weeden on Information and Complaint, for Refusing Paper Money Bills in Payment for Butcher's Meat, in Market, at Par with Specie. Tried Before the Honorable Superior Court, in the County of Newport, September Term, 1786* (Providence, John Carter, 1787), see Evans, *Am. Bibliography*, no. 20,825. For Varnum's role in this case, see Polishook, *Rhode Island and the Union*, pp. 134–38.

² Varnum's surviving correspondence also includes the following note dated "Saturday 3d March 1787" to Samuel B. Webb, addressed only "General Webb, Broadway."

"Genl. Varnum presents his compliments to General Webb, & informs him that he hath appointed to drive at flatbursh tomorrow with Major Giles. A carriage will be at the Ferry in the morning. Will Genl. accompany him? If so, he will call at Genl. Varnum's Quarters at ten tomorrow morning. An answer is requested." Webb Papers, CtY.

Abraham Clark to James Mott

Sir,¹

Febry. 24th. 1787.

When I wrote to you I expected the County Collector of Essex had public money in his hands which I could draw as I had Occasion; but finding he hath paid all into the Treasury I have no prospects remaining of getting any of him; and as I am at the expense of sending to the Treasury it is necessary that I receive my Account forwarded, otherwise this Expense would be frequently rendered, I hope therefore the Acct. will be answered as I am now at a Stand having Spent nearly the sum now called for, in my attendance at N. York.²

I am, Sir, Your Humble Servant,

Abra. Clark

RC (NN: Emmet Collection, no. 9353).

¹ James Mott (1739–1823) was the New Jersey state treasurer, 1783–99. See Livingston, *Papers* (Prince), 5:621.

² Clark attended nearly the entire period Congress was able to convene a quorum in 1786–87, but two surviving accounts, containing receipts for funds he received from Mott, illustrate the intermittent attendance of a New Jersey delegate who could travel easily from New York to his farm near Elizabethtown. "To 21 days attendance on Congress, from the 15th day of Novr. to the 22d of Decr. [1786], and going & returning, Congress not having made a house during that time, £26.5.0." Stewart Collection, NjGbS. And for the period March to November 1787 (nothing having been found for January and February): "To Time in Attending Congress from March 1st to the 28th of April inclusive excepting 3 days absent, 56 days . . . from May 1st to the 12 inclusive, 12 days . . . May 22d, 23d & 24th, 3 days . . . June 5th to the 9th inclusive 5 days . . . June 13th

to the 15th inclusive 3 days . . . June 18th to the 23d inclusive 6 days . . . July 2d to the 21st inclusive 20 days . . . July 24th to August 4th inclusive 12 days . . . August 7th to the 11th inclusive 5 days . . . August 16th to the 24th inclusive 9 days . . . August 20th to Sept 7th inclusive 11 days . . . Sept 11th to the 15th inclusive 5 days . . . Sept. 17th to Octor. 31st inclusive, excepting one day Absent, 45 days . . . £240.0.0." bMS Am 1649.5, MH-IH.

James Madison to Edmund Pendleton

Dear Sir

New York Feby. 24. 1787.

If the contents of the Newspapers of this place find their way into the gazettes of Richmond you will have learnt that the expedition of Genl. Lincoln against the insurgents has effectually dispersed the main body of them.¹ It appears however that there are still some detachments which remain to be subdued, & that the Government of Massts. consider very strong precautions as necessary agst. further eruptions. The principal incendiaries have unluckily made off. By some it is said they are gone to Canada; by others that they have taken shelter in Vermont, and by some that they are opening a communication with the upper parts of this State. The latter suggestion has probably some color, as the Governor here has thought proper to offer rewards for them after the example of Govr. Bowdoin.² We have no interesting information from Europe.

The only step of moment taken by Congs. since my arrival has been a recommendation of the proposed meeting in May for revising the federal articles. Some of the States, considering this measure as an extraconstitutional one, had scruples agst. concurring in it without some regular sanction. By others it was thought best that Congs. should remain neutral in the business, as the best antidote for the jealousy of an ambitious desire in them to get more powers into their hands. This suspence was at length removed by an instruction from this State to its delegates to urge a Recommendatory Resolution in Congress which accordingly passed a few days ago.³ Notwithstanding this instruction from N. York, there is room to suspect her disposition not to be very federal, a large majority of her House of delegates having very lately entered into a definitive refusal of the impost, and the instruction itself having passed in the Senate by a casting vote only. In consequence of the sanction given by Congs. Massts. it is said will send deputies to the Convention, and her example will have great weight with the other N. England States. The States from N. Ca. to N. Jersey inclusive have made their appointments, except Maryd. who has as yet only determined that she will make them. The Gentlemen here from S. Ca. & Georgia, expect that those States will follow the general example. Upon the whole therefore it seems probable that a meeting will take place, and that it will be a pretty full one. What the issue of it will be is

among the other arcana of futurity and nearly as inscrutable as any of them. In general I find men of reflection much less sanguine as to a new than despondent as to the present System. Indeed the present System neither has nor deserves advocates; and if some very strong props are not applied will quickly tumble to the ground. No money is paid into the public Treasury; no respect is paid to the federal authority. Not a single State complies with the requisitions, several pass them over in silence, and some positively reject them. The payments ever since the peace have been decreasing, and of late fall short even of the pittance necessary for the Civil list of the Confederacy. It is not possible that a Government can last long under these circumstances. If the appro[a]ching Convention should not agree on some remedy, I am persuaded that some very different arrangement will ensue. The late turbulent scenes in Masss. & infamous ones in Rhode Island, have done inexpressible injury to the republican character in that part of the U. States; and a propensity towards Monarchy is said to have been produced by it in some leading minds. The bulk of the people will probably prefer the lesser evil of a partition of the Union into three more practicable and energetic Governments. The latter idea I find after long confinement to individual speculations & private circles, is beginning to shew itself in the Newspapers. But tho' it is a lesser evil, it is so great a one that I hope the danger of it will rouse all the real friends to the Revolution to exert themselves in favor of such an organization of the Confederacy, as will perpetuate the Union, and redeem the honor of the Republican name.

I shall follow this introductory letter with a few lines from time to time as a proper subject for them occurs. The only stipulation I exact on your part is that you will not consider them as claiming either answers or acknowledgments; and that you will believe me to be with sincerest wishes for your health and every other happiness Yr. Affecte. friend & servt.,

Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:294–95.

¹ See the *Virginia Independent Chronicle* for February 28, March 7 and 14, and the *Virginia Gazette and Weekly Advertiser* for reports of Benjamin Lincoln's suppression of the rebellion in Massachusetts.

² See Massachusetts Delegates to James Bowdoin, February 21, note 3.

³ See Madison's Notes of Debates and Charles Thomson to the States, February 21.

North Carolina Delegates to the Board of Treasury

Gentlemen,

New York 24th. Feby 1787

We enclose herewith an^l extract from an act of our Legislatre

passed at their last session: And we request the favour of the Board of Treasury to give us their Opinion on the following Queres.²

First. What plan is the most eligible for the Delegates to adopt, in the sale of the Tobacco so as to ensure a payment, and at the highest price that can be had for the same?

Second. In what manner the nett proceeds can be carried to the credit of our State in accompt with the United States in discharge of the interest of the foreign debt due by the United States.

We are with much esteem, Gentlemen, Yr. most obt. Servts.,

Benjamin Hawkins

Wm. Blount

Tr (Nc-Ar: Governors' Papers). Blount and Hawkins enclosed this transcript and its enclosure in their March 19 letter to Gov. Richard Caswell.

¹ At this point an "A" was inserted above the line, to which was keyed at the foot of the page an undated North Carolina act authorizing the state's delegates in Congress "to sell and dispose of the said Tobacco purchased by the State . . . for the Highest Price that can be had . . . and the proceeds of such Sales shall be subject to the Orders of the Board of Treasury of the United States and shall be carried to the credit of this State in Acct. with the United States in discharge of so much of the Interest of the foreign debt due by the United States for which this State is or may be liable." See *N.C. State Records*, 20:621.

² For the treasury commissioners February 28 response to this letter, see *ibid.*, pp. 624-25.

James Madison to James Madison, Sr.

Hond. Sir

N. York Feby. 25. 1787.

I forgot in my last¹ to mention the explanation given by Mr. House concerning the Tobo. The conjecture as to the omitted Hhd was right. The calculation of the weights is to be made as follows, taking the weight of the first parcel of 6 Hhds for an example.²

C.	qr.	lb
69.	1. 4.	790.
69.	=	6900
69 × 12	828	
1 qr.	28	
4 lb.	4	
	7760	
	790	
	6970 lb. Nett.	

The success of Genl. Lincoln agst. the insurgents has corresponded with the hopes of the Government. It is still said notwithstanding that there remains a great deal of leven in the mass of the people. Connecticut has not caught the fermentation but she pays no taxes. Congs. recd. a letter a few days ago from the Govr. of that State inclosing a

noncompliance of the Assembly with the requisitions of Congs.³ In fact payments to the federal Treasv. are ceasing every where,⁴ and the minds of people losing all confidence in our political System. What change may be wrought by the proposed Convention is uncertain. There is a prospect at present of pretty general appointments to it. We have no late information from Europe. Let Majr Wm. Taylor know if you please that his Acct. can not be settled under the existing regulations of Congs. The Officer for this departmt. not having been here at the date of my last I could not then give him this information. I shall prepare & present a Memorial to Congs. on the subject as soon as an opportunity opens.⁵ I find there are so many officers in a similar situation with him that I think relief will not be refused. Give my regards to the family and believe me Yr. Affe. Son, Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:296–97.

¹ A missing letter of February 10, for which see *ibid.*, p. 260.

² For an explanation of the following table, see *ibid.*, p. 297n.2.

³ In his letter of February 15 enclosing an act of the Connecticut Assembly passed in its October session, Gov. Samuel Huntington listed reasons for the state's noncompliance with the 1786 requisition: economic distress from heavy wartime expenses, current arrearages in tax collection, failure to adjust the state's federal accounts—in short, the “impracticability of the measure” under present conditions. The letter and act were read in Congress February 26. See *JCC*, 32:80n.1; and *PCC*, item 66, 2:348–53.

⁴ In their letter of February 7, which had been read the 12th, the treasury commissioners reported that no state but Virginia had to their knowledge complied with the requisition of August 2 or the special requisition of October 21, 1786, leaving “no prospect of sufficient funds coming into the Treasury in season to enable this Board to make provision for Payments on the Foreign debt, which become due in the present year.” See *JCC*, 32:33–34.

⁵ The accounts of Maj. William Taylor (d. 1830), who served in the Virginia Continental Line 1776–81, were presented to Congress on March 12 and referred to the board of treasury, but no action was apparently taken. See *JCC*, 32:107n.3; and Heitman, *Historical Register*, p. 535.

James Madison to James Monroe

Dear Sir

N. York Feby. 25. 1787.

I have received your favor of the 5th inst.¹ and have attended to the several objects suggested in it. Mordecai having given up all his effects to the Assignees can do nothing for his creditors. He tells me that a dividend will certainly be made in April & not before, and that he shall pay about 15/ in the pound. I have applied also to Crowley,² and having little confidence in my own judgment of Cabinet workmanship, got the favor of Grayson & Bingham to accompany me in looking at the furniture prepared for you. They were both of opinion that there was no ground for compelling him to dissolve the contract, and he seemed little disposed to do it voluntarily. The aspect of the furni-

ture does not I own entirely please my eye, but he says the taste of it is conformable to instructions, and no particular defect appears in the workmanship. It is to be considered too that Mahogany is one of the few things which appears worst when New. I have been the rather determined to take the things as it was easy to perceive that waving the risk of a suit, the town would have been filled with complaints agst. you. Having adopted this plan it will be expedient for you to send me without delay the prices settled for the work. Miss Cortwright has no memorandum of them, and without them I shall be at the mercy of Crowley himself. Your instructions as to the bottoming of the chairs and forwarding the whole to Virginia shall be duly attended to, as well as any others which you may give relative to this or any other matter.

I have already mentioned to you Mazzeis affair,³ and my anxiety to know what you have done and think ought to be done in it. Dorman is still here and it may be of consequence to take the necessary measures before he goes away which will probably be ere long.

We hear nothing very interesting of late from Massts. Rewards are offered for Shays & the other leaders of the mutiny by Govr. Bowdoin, and in consequence of intimations that they were directing their course & incendiary views to this State, by Governor Lincoln.⁴

Congs. have at length passed a Resolution in favor of the Convention. The difficulties were in some measure got over by an instruction from the Legislature of N.Y. to its delegates to move for such an interposition. N York of course will appt. deputies, and there is reason to expect that Massts. and perhaps Connecticut also will appoint. Yrs. affety,
Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:298.

¹ Apparently Monroe's letter of February 6, for which see *ibid.*, pp. 256–57.

² Apparently Jonathan Cowdery, a carpenter on King St., for whom see *ibid.*, pp. 257n.4, 407.

³ For which see Monroe to Philip Mazzei, August 19, 1786, note.

⁴ That is, Gov. George "Clinton," for whom Madison inadvertently wrote "Lincoln."

James Madison to Edmund Randolph

My dear Sir

N. York Feby. 25th. 1787

The Secreta[r]y's despatch will have communicated to you the Resolution of Congress giving their sanction to the proposed Meeting in May next.¹ At the date of my last a great division of opinion prevailed on the subject; it being supposed by some of the States that the interposition of Congress was necessary to give regularity to the proceeding, and by others that a neutrality on their part was a necessary antidote for the jealousy entertained of their wishes to enlarge the powers within

their own administration. The circumstance which conduced much to decide the point was an instruction from N. York to its delegates to move in Congress for some recommendation of a Convention. The style of the instruction makes it probable that it was the wish of this State to have a new Convention instituted, rather than the one on foot recognized. Masss. seemed also skittish on this point. Connecticut opposed the interposition of Congs. altogether. The Act of Congs. is so expressed as to cover the proceedings of the States which have already provided for the Convention without any pointed recognition of them.²

Our situation is becoming every day more & more critical. No money comes into the federal Treasury: no respect is paid to the federal authority; and people of reflection unanimously agree that the existing Confederacy is tottering to its foundation. Many individuals of weight particularly in the Eastern district are suspected of leaning towards Monarchy. Other individuals predict a partition of the States into two or more Confederacies. It is pretty certain that if some radical amendment of the single one can not be devised and introduced that one or other of these revolutions, the latter no doubt, will take place. I hope you are bending your thoughts seriously to the great work of guarding agst. both. Yrs. Affely, Js. M. Jr

[P.S.] Inclose a Newspaper when you write & think of it.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:299.

¹ See Charles Thomson to the States, February 21.

² See Madison's Notes of Debates, February 21.

Virginia Delegates to Edmund Randolph

Sir N York. 26th. Feby. 1787.

We are sorry to inform you, that we have inquired at the board of treasury respecting the indents of interest necessary for the State under the requisition of the last year, & that the Commrs. have informed us that from the uncertainty of the productiveness of the funds appropriated by the legislature as a compliance, they were doubtful whether they could with propriety issue them at all, but that at any rate they could not be ready in a month or six weeks from this time; so that there seems to be but little hopes that they can be thrown into circulation during the collection of the taxes.¹

A Mr. Huff from Winchester has farmed the exclusive priviledge of transporting the Mail from Alexandria to Pittsburgh for seven years and from Winchester to Staunton. On the supposition that the same person would also contract for the road from Richmond to Staunton we applied to Congress for a resolution to impower the Post Mr. Genl.

to farm the transportation of the Mail on this rout for the same period, which has been obtained.²

The Secretary of Congress has informed us he has forwarded the resolution of Congress recommending the Convention of the States on the Second Munday in May next at the City of Philada.³ We have the honor to be, with the highest respect, Yr. Excys. Most Obedt. & Very huble servts.

Willm. Grayson.

James Maddisson.

RC (Vi: Continental Congress Papers). Written and signed by Grayson who also signed for Madison.

¹ By this juncture the indent system created by Congress in 1784 had nearly collapsed. Printed by the board of treasury in small denominations, indents were certificates of interest on the national debt that were issued by the state loan officers in lieu of specie payments and were to be used in paying state taxes. Congress had intended to retire each year's issue with new revenues, but the failure of the states to honor the annual requisitions had prevented it. In levying the requisition of August 2, 1786, Congress had forbidden state loan officers to issue new indents until the assemblies had met their specie requirements. The Virginia House of Delegates assumed that it had provided for its share of the requisition (\$371,136 in specie and \$274,707 in indents) in the revenue act passed at its October 1786 session.

The board of treasury's refusal to issue the Virginia indents created a fiscal impasse with the state. In April Governor Randolph sent a copy of the revenue act and pressed Congress "in the strongest terms, to expedite such [*indents*] as are allotted to Virginia." The letter was read May 2 and referred to the board of treasury which reported on July 11 that the House of Delegates had not provided "sufficient Funds . . . for discharging its Quota" and that indents could therefore not be issued lest all other states "claim the same privilege." The report was referred to a committee chaired by Nathan Dane which was discharged July 16 when a copy was ordered to be given to the Virginia delegates. The preceding month, however, the Virginia Council, having learned of the position taken by the board of treasury, directed Jacquelin Ambler, the state's treasurer, "to with[h]old any further payments on account of the requisitions of Congress for the years 1785 and 1786" and confirmed its decision in late July. See *JCC*, 31:462-63, 32:320-27, 349n.3; *PCC*, item 71, 2:527-30; Hening, *Statutes*, 12:323-29; and *Journals of the Virginia Council*, 4:76, 102, 132. See also Edward Carrington to Edmund Randolph, April 2, note 7; Henry Lee to Beverley Randolph, June 8, note 3; and Virginia Delegates to Beverley Randolph, July 22, note 1. For a discussion of the failure of the indent system, see Ferguson, *The Power of the Purse*, pp. 223-28.

² See *JCC*, 32:59-60.

³ See Charles Thomson to the States, February 21.

William Irvine to Josiah Harmar

Dear Col.

New York Feby. 27th 1787

I received your favor of the 10th Decr. and will attend to your business whenever a fair opportunity presents of being able to carry it through. We are obliged to watch for a proper time to strike *here* with as much attention and caution—as a good General will an Enemy.

I intend to make Fort Pitt a Visit in May before that time I hope you will receive orders for making an establishment at Vinango—I mean a detachment only. My motives for wishing this done shall explain to you after the thing is accomplished which will be with difficulty if at all. The grand object most people seem to have in view is to prevent intruders on the lands. I confess this is not the principle with me. The great War in Massachusetts is near a close—but the people of that Government are by no means satisfied. The Legislature have it is thought carried their triumph too far. An Act to disarm and Disfranchise for three years, all those who took up arms has passed it is thought the number is about 14,000—outlaws. The numbers really disaffected by these measures will be three fold as all the near relations and particular friends to those disfranchised will feel sore. If this calculation & reasoning is Just—is it not to be feared that insurgency will soon again raise its head? These troubles have doubtless had bad effect on the Recruiting. I believe the whole yet raised do not exceed 300. And it is said Massachusetts are about to raise 1500 Men for four months state Troops to keep the insurgents in awe. Under these circumstances I think it probable no competitors for the Command, will appear in the West for some time—notwithstanding the poetick fire of an Humphry in the East—shines with so much lustre.¹ Inclosed you have an Act of Congress—which I hope will be productive of much good—it may do good & can do no harm, which is greatly in favor of the measure. Several states have already appointed Delegates and I think all will. Such a respectable body of Men have not been convened on any occasion since the first Congress as it is supposed these will be.

Some States have complied in part with the requisitions of Congress—some not at all, and others have flatly refused. There is therefore no alternative to giving up all at once for lost—but that of attempting to revise and mend the Confederation—or frame an entire new Government—whether the proposed Convention will be able to effect either it is hard to say—but an attempt is necessary and the sooner it is made it will be sooner compleated.

Under the present Government it is much to be feared—that insurgency—& Rebellion—may pervade more States than Massachusetts. The people of Maryland are at this moment in great ferment about paper money, some are Violent for & others as much against it. The Assembly were generally for—and the Sennate unanimously against. Such was the Animosity that an Adjournment took place for the purpose of appealing to the people. They are soon to meet again when I hope they will accommodate.

The foregoing hints I have t[h]rown out meerly to give you some general Ideas—of what is passing. You will therefore not I am persuaded make an improper use of them. Pray present my respects to Mrs. Harmar—and believe me to be with great regard, Dear Col., Your friend & Humble Servant,

Wm. Irvine²

RC (MiU-C: Harmar Papers). Addressed: "Colonel Jos. Harmar at Fort Harmar, Muskingum." Endorsed: "March 3d. 1787. Received & forwarded by your Humble Servt, Sam Nicholas." "Answered May 25th. 1787."

¹ Undoubtedly a reference to "The Anarchiad," a mock-epic poem written by David Humphreys in collaboration with Joel Barlow, Lemuel Hopkins, and John Trumbull—the Connecticut Wits—for which see Stephen Mix Mitchell to Jeremiah Wadsworth, January 24, 1787, note 3.

² An account of Irvine with the state of Pennsylvania—"To fifty nine days attendance at Congress—Viz from the 4th Decr. 1786 to the 1st Feby. 1787 inclusive"—signed "Ex[amine] & settled, Jno. Nicholson, Comptrol. Genls Office Feby 3d 1787," is in the Gratz Collection, PHI.

William Blount to John Gray Blount

Newyork March 1st. 1787

I have shewn to Mr. Gardoqui the Certificate I obtain[ed] from the Governor and asked him if it was probable that any Contract could be made by JG & T.B.¹ with the Agent of the Court to supply his Court with Naval stores for a few years. To this he answer'd in the affirmative provided a Treaty was once formed between his Court & the United States. [Whenever] the event takes place, he would undertake the Negotiation of the Business and that untill that period should arrive Nothing could be done about such a Contract. Now when this Period will arrive is uncertain; it is also doubtful whether it will ever arrive; I have some reasons to beleive it will not happen in the days of Mr. Gardoqui.

I have also shewn it to Mr. De'Laforest the Consul General Resident here of his Most Christian Majesty and signafied to him our Wish to make a Contract to supply annually to the Navy of France a certain Quantity of Pitch, Tar & Turpentine. This Gentleman in my Opinion is the best informed and most industrious servant that any European Power has in America and at the same Time the best Friend of America ever endeavouring to blend so together the Interst of each as to be benefical to both. He was much pleased with the proposals but could give no possitive answer adding that he was uninformed how the Navy of France was supplied with those Articles as well as of the Value of those Articles made in America. But very obligingly said and I am sure with great Sincerity, that if I would procure from the state of North Carolina an Account of the quantity of those articles exported from No. Cara. in the years 1785 & 1786 that he would transmit it to the Court and that he was sure the Court would give a Preference to those Articles made in America provided they should be found on Examination to answer her purposes as well and advised if a Contract was wished to be made and which he should be glad to see take place; that three Barrells of Tar, and a like quantity of

Pitch, Turpentine & Rosin should be sent to him here with a Certificate under the seal of the state that it is agreeable to the Laws of that state as to quantity and quality and that he will cause them to be shipped in the French Packet addressed to certain Persons in France to be examined and reported on to the Minister of Marine & that if Proposals were made to him he would at the same Time forward them to the Court and do every thing that he consistently could to serve Us in the Business.

Whereupon I wrote to the Governor² and requested him to order the Naval Officers of the different ports to transmit without delay to the delegates in Congress an Account of all the Exports from N. Ca. for the Years 1785 and 1786—since when Mr. Laforest has informed me that the Reports from the respective Naval Officers should be made to the Governor and be by him certified under the seal of the state and last Evening he called on me and informed that a Packet would sail from this on the 15th of April in which he should go Passenger, renewing his Declaration of wishing to see such a Contract take place and that as he should be in France, perhaps if the proposals were forwarded by him it would be more in his power to forward it. I fear you will say that the 15th of April will come too soon but I hope not, The greatest difficulty I apprehend in the Business will [*be*] to get the proper Certificates of the Exports properly authenticated by the Governor and this I think the Governor could cause to be done in a short Time and I am sure the Interest of that state will be perfectly considered in the Act especially if a Contract be thereby produced and this reason alone will no doubt induce the Governor to give every dispatch in his power to the Business.

Take Care that the samples are good and in *good* barrells. Hawkins says they should be branded with your Firm in plain Letters and I believe he is right. When you ship them address them to Mr. John Ramsay of whose Honesty I entertain the highest Opinion tho' he has been unfortunate. Another Packet will sail on the 15th June for France so that if you cannot be ready for the first you may for the second.

Will you cause this Letter to be copied thus far and send a Copy thereof to the Governor in his *private* Capacity to the End that it may in some degree govern him in his Public. Ashe is not yet arrived and I do not expect him. Hawkins does daily.

Nothing is yet done with the Tobacco. I shall leave this between the 10 & 15th April by Water. The Mill stones will be procured by Etting & Varick by the 1st May.³

RC (Nc-Ar; Blount Papers). In the hand of William Blount.

¹ That is, John Gray and Thomas Blount.

² See Blount to Richard Caswell, December 30, 1786.

³ Manuscript ends thus abruptly and without signature.

North Carolina Delegates to the Board of Treasury

Gentlemen,

13 Princess Street 1st of March 1787

We have no regular information respecting the State Tobacco:¹ And it is probable our want of it is owing to the returns having been made to the Delegates of the State who were in Congress last year, And which has been carried to North Carolina among their papers.

The enclosed from Mr. Dowse² we give credit to ourselves, subjoining the following remarks. The quantity at Wilmington must have been inspected at Fayetteville or as he names it Campbell's town. That at Roanoke is in the warehouses from whence the shipments are made at the port of Edenton: And it is of the Halifax inspection rarely inferior to the Petersburg. That at John Gray Blount's is at Washington and of the Tarborough inspection latterly equal to the Halifax inspection.

Mr. Hawkins was at Fayetteville in December and at Halifax in January, and made some inquiry as to the quality of the inspectors, they told him, it was superior to any made the Crop 1786, and the most of it, if not damaged, of the Petersburg quality. But as he did suppose that the proper information was lodged with the Delegates: he did not apply farther.

The quantity reported by a Committee who brought in the bill for the sale &ca of it, was 1,360,000 lb. nett. If the report of the Committee is just, and founded on the number of hogsheads reported by Mr. Dowse, the average weight of the Tobacco is a certain evidence of the goodness of it.

We are with sincere esteem, Yr. most obt. Servts.,

Wm. Blount

Benjamin Hawkins³

Tr (Nc-Ar: Governors' Papers). Addressed: "The Commissioners of the Board of Treasury."

¹ For the context of this letter, see North Carolina Delegates to the Board of Treasury, February 24.

² The enclosed February 28 letter from Edward Dowse is in *N.C. State Records*, 20:625-26. It was written in response to the following letter from William Blount of the same date. "Dear Sir, If I recollect right you informed me, that you, while in Carolina, informed yourself very particularly, at what places the North Carolina Tobacco was stored: And also, the quantity and qualify thereof. Will you be so good as to communicate this information to me by my note." Governors' Papers, Nc-Ar.

³ Two days later Blount and Hawkins also wrote the following brief letter to the treasury commissioners. "Gentlemen, We send you the enclosed [*not identified*] which Colo. Blount received before he had any information of the passage of the act for the sale of the State Tobacco: And which we should have sent earlier but it was mislaid untill this moment.

"We do not know the Gentleman nor have we one syllable more respecting him or his intentions." Governors' Papers, Nc-Ar.

Charles Thomson to the States

Sir, Office of Secretary of Congress, March 1st. 1787.
 Pursuant to order, I have the honor to transmit to Your Excellency herewith enclosed a state of the representation in Congress for the months of Decr., Jany & Feby to be communicated to the Legislature.¹
 With the greatest respect &c

1.B (DNA: PCC, item 18B).

¹ For these enclosures and the eight other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

Massachusetts Delegates to James Bowdoin

Sir, New York 4 March 1787.

Mr. Williams of Pittsfield arrived in this City on the Evening of the 2d instant, with a Dispatch from Genl. Lincoln representing to the Governor of this State the Countenance and support which had been afforded, to the Fugitives from Massachusetts, by the people inhabiting a District within this Jurisdiction & adjacent to the County of Berkshire, and giving information of the Incursion made from this State into that County on the 26th ult.¹ As your Excellency will undoubtedly have received official information of this Event before this reaches you, we forbear the communication of any particulars on that subject. The Intelligence received from Genl. Lincoln was by the Governor laid before the Legislature yesterday morning; and it is with real satisfaction that we now have the Honor to inclose to your Excellency, a Resolution, which they adopted in consequence thereof.²

Governor Clinton left this City early this morning, and will in the most Effectual & Expeditious manner cooperate with Genl. Lincoln “in apprehending & securing such of the Rebels as shall be found in this state.”³

With perfect Respect we have the Honor to be yr. Excellency’s Obt.
 & very Humble Servts.,

Rufus King

Nathan Dane

RC (MHi: Shays’ Rebellion Collection). Written by King and signed by King and Dane.

¹ For Gen. Benjamin Lincoln’s February 21 dispatch to Gov. George Clinton, a copy of which Lincoln enclosed with a February 22 letter to Governor Bowdoin, see *Bowdoin and Temple Papers* (MHS Colls.), pp. 149–50, 156–58.

² By this March 3 resolve, the New York Assembly authorized Governor Clinton to call out the militia and to cooperate with General Lincoln against the Shaysites who had fled into New York, from which they continued to mount raids against Stockbridge,

Mass., and the surrounding countryside. *Journal of the Assembly of the State of New York*, 10th session, p. 80. DLC(ESR).

³ Assuming personal command of the New York militia, Governor Clinton met with General Lincoln at New Lebanon, N.Y., on March 17 to complete their plans, but the insurgents, sensing their danger, withdrew to safety in Vermont and Canada and the crisis passed. For an account of these developments and an assessment of Clinton's leadership against the threatened spread of rebellion to New York, see Szatmary, *Shays' Rebellion*, pp. 107-14; and John P. Kaminski, *George Clinton. Yeoman Politician of the New Republic* (Madison, Wis.: Madison House, 1993), pp. 107-9.

Virginia Delegates to Edmund Randolph

Sir.

N. York March 5th. 1787.

We have the honor of inclosing a copy of M. Van Berckel's note to Congress respecting an act of the legislature of the State of Virginia, which he has represented to be contrary to the Treaty of amity & commerce between the United Netherlands & the United States of America. This note is referred to the Secy. for foreign affairs to report witht. their having yet giv'n any opinion on the subject.¹

The affair of the Mississippi still remains in the same critical situation in which it was left the last year; & their having been sevl. changes in the delegations, it is not known whether those States who favored it's preservation the last Congress will still adhere to the same sentiments. It appears that only three States have expressly instructed their delegates as yet on this subject.²

We have the honor to be with the highest respect yr. Excys. Most Obedt. & Very hm'ble Servts.

Willm. Grayson

Js. Madison Jr

RC (Vi: Continental Congress Papers). Written by Grayson and signed by Grayson and Madison.

¹ The copy of Pieter Johau van Berckel's February 20 "note" to Congress which had been sent under a February 20 covering letter by John Jay is in the Continental Congress Papers, Vi. The originals, with a translation from the French by John Pintard, are in PCC, item 99, fols. 273-84. For the background of this issue, see Madison to Randolph, February 18, notes 6 and 7.

On March 1 Congress had referred van Berckel's note to Jay, but his March 14 report, comprising a close analysis of the French and Dutch treaties, the Virginia fiscal act, and Congress' treaty authority under Article VI of the Confederation, was not taken up until August 2 when it was referred to a committee of five chaired by Nathan Dane. Presented to Congress September 24, the committee's report ratified Jay's findings by asserting the supremacy of foreign treaties, declaring the Virginia act granting a duty exemption to French, but not Dutch, brandies unconstitutional, and recommending that it be revised. On October 13 Congress adopted Jay's report and resolved that "whenever any of these States shall think proper to grant a favour to any foreign Nation such State ought to extend it to such other foreign Nations as by treaties with the United States are to be treated as the most favoured Nation." It further resolved that copies of the above resolution be sent to van Berckel and to Governor Randolph, recommending revision

of the act and restitution of the extra duties "exactd on the brandies there imported in dutch vessels during the Operation of the same." Jay so informed the Dutch minister and the Virginia executive on October 17 and the Virginia House of Delegates incorporated both resolutions in a revision of its former act on January 8, 1788. See *JCC*, 32:83n.2, 116, 33:453n.2, 522–26, 676, 678–83; *PCC*, item 25, 2:477–81, item 81, 3:193–99, item 120, 3:291–92; *Diplomatic Correspondence, 1783–89*, 3:437–42; and Hening, *Statutes*, 12:514–15. For a review of this issue from Virginia's perspective, see Madison, *Papers* (Rutland), 9:333n.2.

² That is, Virginia, New Jersey, and North Carolina.

William Irvine to James Wilson

Dear Sir

New York March 6th 1787

I promised myself the pleasure of writing to you, when any thing interesting should be likely to take place. There has been hitherto so little prospect of any thing being done in Congress that I have frequently been almost determined to return home—but have spun out the time from day to day still in expectation that every succeeding day would bring on a full house—all in vain—we have had about one week in this year, nine States on the floor—but most of the time not even seven. You know under these circumstances what can possibly be done. At a favourable moment either Delaware or Maryland, being represented would have carried Congress to Philadelphia. Now South Carolina is off the floor—it therefore requires the attendance of both the former, and Col. Forrest will set out in a few days as none of the other Delegates of Maryland are likely soon to attend he thinks it vain to wait. I almost despair of so good an opportunity presenting for some time as I believed this to be. I regret it the more as I am persuaded Congress and the Convention sitting at the same time & place might facilitate the business of the Convention—a free communication of Sentiments would be usefull to both these bodies, particularly as it might have a tendency to cause the Convention to propose such new articles of confederation—or alterations in the old as Congress might probably approve—which would doubtless have weight with the several Legislatures.

It was with some difficulty Congress carried the recommendation for a Convention. The Eastern Delegates were all much against the measure—indeed I think they would never have come into it—but that they saw it would be carried without them. Then they Joined—which has made it a piece of patched work—but this was thought better than to keep up the smallest appearance of opposition to public view.

Inclosed you have the agreement between N York and Massachusetts—it speaks for itself.¹ But I have conversed with the Commissioners—who insist that the Cession of N York to the United States does not preclude them from claiming as far West as Pennsylvania—so far

from it they say that it expressly reserves that extent—or to a line drawn through the most westerly bent or inclination of Lake Ontario which they say extends much west of any part of Pennsylvania. If this is a fair construction—which I do not believe, the United States will be pretty well trimmed of the exuberancies which many are afraid holding will be a disadvantage. And it will destroy the prospects of *the purchase we talked of*. I wish you would look at the Cession of N York—and see whether it will possibly bear such a construction, and if it will not—what steps should be taken—if any previous to Massachusetts beginning to sell the land—which I doubt will be too late. Massachusetts have passed a Law—which disfranchises—and disarms all the insurgents, the chief object of which appears to be to prevent their voting at the next general Election in May. I have seen Gentlemen who lately passed through that Country—that say this act has created more universal disgust than any other of Government and that the *risings* which was so nearly suppressed are rather more likely to begin again than the assembly had an Idea of. I could lay my hands on only one copy of the Act, which I forwarded yesterday to Genl. Armstrong Junr. for the perusal of Council. I mention this that you may get it from him if you wish to see it.

It is said that some of the chiefs of the insurgents—with a few followers have retreated into this State. I do not recollect the name of the place—but on the border of their own state—where some few people of this State have Joined them—this is Report. But there must be something in it, as the Governor & sundry Officers set out Express yesterday morning—with a view doubtless to strike them before they gain strength—which is very wise as a few prompt punishments may put an entire stop to further mischief. I hope these troubles will not reach the south side of the Hudson, as I am certain if they do they will soon pervade the whole of the Southern States—which Governor Clintons Vigilance and Zeal may check in infancy.² I am Dear Sir, Your Obedient Humble Servant,

Wm. Irvine

RC (PHarH: RG 27).

¹ For this January 30 agreement, see *JCC*, 33:619–29; and Massachusetts and New York Delegates to Congress, April 23, 1787.

² See Massachusetts Delegates to James Bowdoin, March 4, note 3.

Massachusetts Delegates to James Bowdoin

Sir

New York 7. March 1787

We do ourselves the Honor to inclose to your Excellency a late law of the Legislature of this State relative to the Line of Jurisdiction between them & Massachusetts;¹ as the law heretofore passed by Mas-

sachusetts expires on this Day,² we presume that the Legislature have passed, or will pass, a Law conformable to the principles of the late Act of the State of New York.

With perfect respect we have the Honor to be your Excys. obt. & very Humble servts.,

Rufus King

Nathan Dane

RC (M-Ar: Revolutionary War Letters). Written by Rufus King and signed by King and Nathan Dane.

¹ For this December 2, 1784, New York act, see PCC, item 75, fols. 165–74.

² See PCC, item 74, fols. 221–23; and JCC, 29:650.

William Blount to John Gray Blount

Dear Sir,

Newyork March 8th 1787

This Morning your's of the 11th Febry inclosing TB's¹ of the 20th November and am really much concerned for his Situation.

A few Minutes before I received it I had delivered to Mr Smith the brother in law of Mr Eyre who sails this day for London, a Letter for T. Blount in which I had advised him to return to America and not to Wait the arrival of the Brig John in France but on the Receipt of yours and his Letter I again wrote him and told him that I thought he had best wait your Order and that you would certainly shortly relieve him.

Nothing decisive can shortly be done by the Delegates in the sale of the Tobacco but it appears to me very certain that Mr. Robert Morris *must* be the Purchaser and if he is I have not [a] doubt but you'll be able so to agree with him that he will let us have 100 Hogsheads on the Terms on which he purchased the whole and I would really advise you as the Tobacco is in your Possession to make use of the quantity you want relying that you shall have that quantity at the price the other sells at let who will become the Purchaser, it must go cheap because you may rely that no Adventurer will be able to get it by bidding us a high price for before it goes out of our Hands you may rely we shall have the most unequivocal Proofs of our being paid. How far the Farmers General have been supplied with Tobacco I can get no Information but this you may rely on that whatever can be done by my Friend Delaforest in our favour will be done on that Head for us.

If you should wish [to have any] more or the whole of the tobacco at Washington let me know by Letter for I will not quit Congress untill this business is closed. At present I do not see that it will be in our power to sell the Tobacco untill we are informed officially where the Tobacco is stored and the quantity and quality at each place.

I am, Your's

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ That is, their brother Thomas Blount.

Benjamin Hawkins to Thomas Jefferson

Dear Sir,

New-York 8th March 1787

I have had within a few days the pleasure to receive your favor of the 13th August.¹ It was received at the office of Foreign affairs in Novr. and has been traveling since southwardly and Northwardly to meet with me. I have been attentive to your other request, and expect I shall be able to send you a few plants of the *Dionaea muscipula* some time this Spring; Mr. de la Forest² who returns to France promises to take charge of them: And a very attentive worthy man is to send me a dozen or more from Wilmington in small earthen pots. I will also send you some of the seed as soon as it is practicable. I shall send you by Mr. de L Forest the little Vocabulary of the Cherokee & Choctaw tongues;³ and such other information as I may receive. I have a letter from Mr. McGillivray which gives room to hope by that period he will have answered fully the part I allotted to him.

We are not here in so profound a calm, as in Europe. The uneasinesses which have existed in Massachusetts for some time past grew into a serious opposition to that Government, and they are now by the vigorous though not timely opposition of the government but in train of adjustment. The Southern States are more tranquil, and are emerging fast into order; and if the Foederal Government can be made efficient the revolution will be a blessing to them. Virginia taking the lead for this most desirable object proposed a convention to be in May next at Philadelphia. North Carolina and some other States have followed her example and Congress on the 21st of February recommended *it* to all as the most probable mean of establishing a firm national Government.

Spain availing herself of probable conjectures bids far to be the first power who will strengthen our bonds of Union, unmindful of her true interest, she seems determined to oppose her partial contracted policy, to that generous reciprocity of mutual good offices, which being the basis of our friendship would be a never failing guarantee to both Nations. She has seized some of our boats on the Mississippi and refuses us absolutely the navigation thereof. Our citizens view this as an infraction of their rights. The States of Virginia, North Carolina, New Jersey and some others have expressed it in strong terms, the words of North Carolina are "That their delegates be instructed to oppose in the most unequivocal terms any attempt that may be made to barter or surrender to any Nation the right of this

State to the free and common Navigation of the Mississippi, and in case any such surrender should take place, that they should be instructed to protest against the same, as an unjust deprivation of the right of this State, and one which Congress are not authorized to make by the articles of confederation."

This arose from this additional circumstance. {*Seven states*}⁴ only {counting from the east have repealed the article in favor of the Mississippi in the instructions to} Mr. {Jay and he} is now at full liberty to {shut up or not the Mississippi} and he appears to me to approve of it for the {period of twenty years}. Should this take place, I know not what consequences may ensue. Our Western citizens will feel much alarmed for their situation. They will have less {confidence in the justice of Congress} and be disposed to {carve} for {themselves}. They are already numerous and daily increasing. For a {violation of a treaty Congress would be immediately responsible}—And probably our western citizens might {skirmish for some years without bringing about an open rupture and within eight or ten we would be able to support our right. What can be done? You may eventually be able to do something}. If the French court had the Floridas and would establish an entrepôt at New-Orleans or some other place equally convenient on a liberal scale, it would certainly be of the first consequence to them, in a commercial point of view, as we should consume their manufactures principally, in return for the raw materials which we could supply them with in abundance. With Spain something could be done if we had a man of great abilities and prudence at Madrid there to treat; here I am sure we have nothing to hope as I conjecture Mr. Gardoqui has duped himself and consequently given such an impression of things here as to lead his court to be very sanguine in their expectations. And {he does not appear to me to be a man of a noble mind enough to acknowledge his error} and to give that true complexion which he has certainly learnt to discover.

I have used the cypher of our friend Mr. Madison. He, expecting shortly an opportunity more certain than the present, postpones writing untill then, and he presents you his most respectful compliments. Your acquaintance Mr. Nash is dead and I am in Congress in his stead.

I am with sincere esteem & regard & Friendship, Dear Sir, your most obedient & hl. Servt.,
Benjamin Hawkins

RC (DLC: Jefferson Papers).

¹ See Jefferson, *Papers* (Boyd), 10:240–41.

² That is, the French consul general in New York, for whom see William Blount to Richard Caswell, December 30, 1786, note 1.

³ For this "Vocabulary," see Jefferson, *Papers* (Boyd), 11:203.

⁴ Words printed in braces in this text were written by Hawkins in cipher.

Charles Thomson's Memorandum Book

[March 9–19, 1787]

Rec'd March 9th, 1787—from the Office of the Secty of Congress the original report of the Secy. f. f. Affrs on Mr Adams letter relative to infraction of the treaty of peace.¹

S. M. Mitchell

returned March 12th.

Rec'd March 13th, 1787—from the Office of the Secy of Congress the original report of the Secy. f. f. Affrs on Mr Adams letter relative to infraction of the treaty of peace.

Wm. Blount

returned March 19th.

MS (DNA: PCC, item 187). In the hand of Roger Alden, and signed by Stephen Mix Mitchell and William Blount. These two receipts are appended at the end of Thomson's Memorandum Book.

¹ The original of this October 13, 1786, John Jay report is not in the PCC, but for transcripts of it, which were entered on the secret journals of Congress, see *JCC*, 31:781–874; and PCC, item 124, 2:23–159.

Charles Thomson to John Collins

Sir

Office of Secy of Congress, March 9. 1787

I have the honor to transmit to your Excellency herewith enclosed an Act Of the United States in Congress assembled authorising the Continental loan Officer in the state over which you preside to continue the issue of Indents, agreeably to the terms of the requisition of 27 Sept 1785 When the state shall have compleated the payment of her specie quota of the said requisition.¹

With great respect I have the honor to be, Sr, Your most Obedt. & Most humble Serv,

Cha Thomson

RC (OCIWHi: MS 3305).

¹ The enclosed March 8 resolution, which incorporated a February 28 motion by Rhode Island delegate James M. Varnum, reversed a policy initiated by William Ellery, the state's Continental loan officer, which had been endorsed by Congress October 30, 1786. Ellery's policy of refusing to issue indents for Rhode Island's use in meeting her Continental quota had been adopted in retaliation for the state's decision to make paper money receivable for Continental taxes. See *JCC*, 31:916, 32:83, 85. For the context of this struggle over Rhode Island's paper money practices, see Rhode Island Delegates to Collins, September 28, 1786, note 5.

Uriah Forrest to Arthur St. Clair

Sir,

New York 10 March 1787.

I intend to embark for Europe in a few Weeks.¹ Our House in London which until lately was under my own immediate management, is now in the direction of one of my Partners, who went for the purpose; Yet I shall find it convenient during my absence abroad, (which will be for a considerable time,) to reside chiefly in England. Whilst in that Country, I have in a variety of Instances seen, and indeed sometimes felt the necessity of a Commercial Agent or Consul. If I should so far possess the Confidence of Congress as to obtain the appointment of Consul General to that Kingdom I should feel much Gratiſied.²

I have the honor to be, With great Consideration & Respect, Your Excellency's Most Obedient Servt.,
Uriah Forrest

RC (DNA: PCC, item 46).

¹ Forrest (1746–1805), who had attained the rank of brigadier general during the war, was a Maryland assemblyman and merchant who had lived in London 1783–86 as a resident partner of Forrest, Stoddert & Murdock. Elected to Congress in December 1786 for a one-year term, he attended only from February 15 to March 8. He resigned following the arrival on May 3 of David Ross and Nathaniel Ramsey who themselves attended scarcely more than a week. Maryland remained unrepresented during the remainder of 1787, although Ross returned and attended from August 23 through October 19. See *JCC*, 32:57–58, 60, 84, 93, 251–52, 33:485, 692; *Bio. Dict. of Md. Legis.*, 1:324–25; and these *Letters*, 16:741.

² This letter was referred on March 12 to the secretary for foreign affairs, John Jay, who reported the 29th. Referring to his consular reports of September and October 1785 in which he had argued that the minister at the court of London should be consul general for Britain and that vice consuls were largely unnecessary, Jay felt that if Congress now thought consuls preferable it would be sufficient to place them in London and Bristol in England and Dublin and Cork in Ireland. While the consul general should be “independent and *unconcerned in Trade*” and thus salaried, the expense of paying vice consuls made it necessary “to permit them to trade and receive no Salaries.” Jay had no reason to doubt Forrest’s merit, but left the matter “to the wisdom of Congress,” which chose not to act. See *JCC*, 32:145–46, 743. See also these *Letters*, 22:579n.7, 666.

Arthur St. Clair to Thomas FitzSimons

Dear Sir

New York March 10th. 1787

As the Business of the Mississippi, and consequently the Treaty with Spain is, I see likely to be agitated in the Assembly, I have taken the

Liberty to give you an Abstract, as well as I can recollect, of what passed on that Subject in another Place;¹ not that I presume to furnish you with any new Ideas, or that I am insensible of the impropriety of divulging the Substance of Debates where Secresy is enjoined. It is in my Opinion a very improper thing to bring matters of general national Import before the individual Legislatures, and is very rarely done, I believe, but where single Men conceive some Object of immediate Interest to themselves may be affected, and which they are inclined to pursue without much regard to the public good, and I take this to be very much the Case in the present Instance. It is really a sort of Appeal to the People, who have Passions only to be roused, and no reason to be convinced or Judgment to be directed. It may be some excuse for myself that I know that Communications on this Subject have been made, and expressly with that view, to leading Men in some of the States, and have reason to believe that the same is done or doing by one, if not two of my Colleagues to Members of your House, and it appears to me to be proper that if one Side of a Picture is to be shewn, it should be presented on [*the*] other side also. The Vote to remove the Seat of Government² has surprised us here very much, and augurs ill to other Measures. I am of Opinion it would be best not to give it very serious Opposition, or it will end in transferring it to Lancaster, and perhaps detaching the Members from that County from the Party. I cannot think them serious in the Design to go Harris's, but I think it very probable that they may explain themselves to them as having Lancaster really for their Object. There seems to be a Spirit of Madness gone forth amongst the People that nothing but some severe calamity I fear will restrain. The Massachusetts Insurrection seems to be quelled, but it is certain the Discontents still prevail, and it may well be doubted whether the disqualifying so many People till the next general Election shall be over, was very prudent, or at all likely to remove them. We shall want one State more from the Southward to carry the removal from this Place and have not a prospect of having it soon, as Maryland will not be here at all until a new Appointment takes place, after the meeting of their Legislature.

I am, Dear Sir, Your most obedient Servant, Ar. St. Clair

[P.S.] What is your Opinion of the Pittsburgh County. I wish we may not overshoot ourselves in that Business. I know Mr. Brackenridge is sanguine that the Republican Interest would prevail there—but I think he is mistaken, and I know that County very well. There are very few People in it that either know or care any thing about the State of Partys, still fewer that are decidedly with us and have any weight, and scarce any that would not sacrifice at the Shrine of popularity. The Presbyterian Interest is the prevailing Interest in all the western Counties, and they and the Constitutionals have made almost every where common Cause. The County Town for Westmoreland should be

fixed—neither Hanna's nor Lacks Town are the proper places, the last is but eight miles from the southern boundary and the first about four miles farther whilst is forty at least to the northern and great deal more to the north East. Hannas Town would do well enough however whilst the County is kept together—but in case of a Division, and it must come some time, the place should be some where on the Loyal Hanning. There is a very good place at the Breast Works below the nine Mile run—but the land belongs to me, which would be I suppose an Objection.

Irwin was complaining to me this morning that he is suspected of desertion. I wish the matter of his correspondence may not have been improperly mentioned. I told him I had heard of it in Philada. with Smillie—and that he boasted of it, on all occasions.

RC (PHi: Provincial Delegates Collection).

¹ Enclosure not found; but an "Abstract" of the Mississippi debate in Congress that he prepared for another friend, see St. Clair to Benjamin Rush, August 22, 1786, note 2.

² That is, to move the capital of Pennsylvania to Harrisburg, for which see Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776–1790* (Harrisburg: Pennsylvania Historical Commission, 1942), p. 197.

Rufus King to William Grayson and James Madison

Sunday Mornng. 11 Mar. 1787

Extra[c]t of a Letter from a Gentleman in Boston¹
of the 4th March 1787 to R. King.

“———² has come back from Virginia with News that the Commissioners on the part of New York alarmed the Virginia Delegates, with an account that the Commissioners on the part of Massachusetts were for *a monarchy*; & that those Delegates wrote their Legislature of it, who shut their Galaries and made a most serious Business of the Matter. Pray let me know by the next Post, what you hear of this, and what has been said.”

The Commissioners alluded to, are those who settled the late Territorial controversy between Massachusetts & New York.

Mr. King presents his compliments to Col. Grayson & Mr. Madison, and for the Satisfaction of his friend, who wrote the Letter, from which the above is an Extract, begs to be informed whether they have any Knowledge of a Letter written by the Delegates of Virginia or any of them, containing the information suggested in the Extract, or of any Proceedings of the Virginia Legislature of the nature alledged.³

Mr. K. intreats Col. Grayson and Mr. Madison to have the Goodness to excuse the Freedom of this note, and hopes that they will be as-

sured that nothing wd. have authorised this Enquiry except the anxiety of a worthy Gentleman rendered uneasy by the foregoing charge.

RC (DLC: Madison Papers). In the hand of Rufus King.

¹ Not identified.

² Apparently Jeremiah Wadsworth, for whom see Madison, *Papers* (Rutland), 9:306n.2.

³ See the following entry.

James Madison and William Grayson to Rufus King

N. York March 11th 1787

Mr. M & Mr Grayson present their compts to Mr. King and beg leave to inform him that the doors of the Assembly were shut on a letter from Col Carrington & Col. Lee, which Mr. Grayson saw but did not sign for reasons irrelative to the present subject.¹ Mr. M. was in the Legislature at the time and knows the cause was very different from the one mentioned to Mr. King. Both of them are satisfied that no such information was contained in the letter from the before mentioned Gentlemen, or as far as they know or believe in any other written by them or any other person to the Legislature of Virginia.

FC (DLC: Madison Papers). In the hand of James Madison. Madison, *Papers* (Rutland), 9:306.

¹ Madison is undoubtedly referring to the confidential letter of December 8, 1786, that Edward Carrington sent to Gov. Edmund Randolph describing the state of insurgency in Massachusetts and the influence of British agents in that state and Vermont. Col. Henry Lee could not have participated in its drafting, however, since he had left New York for Virginia "about the 20th. Novr.," for which see Lee to Richard Bland Lee, November 11, 1786, note 2. Although Carrington did not discuss the issue of monarchical tendencies in Massachusetts raised by Rufus King in the preceding entry, Governor Randolph nonetheless recommended, when he submitted extracts of the letter to the assembly on December 29, that knowledge of it be confined to its members. Executive Papers, Vi.

James Madison to Edmund Randolph

My dear friend

N. York March 11th. 1787

The Governor of this State is just returned from his trip to the upper parts of it. He found every thing quiet in the place to which suspicions & reports carried him. He says also as I am told that Lincoln has restored a calm in that part of Massts. which borders on N.Y. as he had before done in the other disaffected parts.¹ Notwith-

standing these favorable accounts there is reason to apprehend that every thing is not yet right in Massts. and that the discontents are rather silenced than subdued. The measures taken by the Legislature of that state prove that such is their view of the matter. They have disfranchized a considerable proportion of the disaffected voters, have voted a military force for the purpose of maintaining the tranquility of the Commonwlth, and their Delegates in pursuance of instructions have within a few days put on the Journals of Congs. a representation including an assertion of right to federal support in case of necessity.²

The appointments for the Convention are still going on. Georgia has appointed her delegates to Congs. her representatives in that body also. The Gentlemen from that State here at present are Col. Few, and Majr. Pierce formerly Aid to Genl. Green. I am told just now that S. C. has appointed the two Rutledges and Majr. Butler. Col Hamilton, with a Mr. Yates and a Mr. Lansing are appointed by N. York. The two latter are supposed to lean too much towards State considerations to be good members of an Assembly which will only be useful in proportion to its superiority to partial views & interests. Massts. has also appointed. Messrs Ghorum, Dana, King, Gerry & Strong compose her deputation. The Resolution under which they are appointed restrains them from acceding to any departure from the principle of the 5th article of Confederation. It is conjectured that this fetter which originated with their Senate, will be knocked off. Its being introduced at all denotes a very different spirit in that quarter from what some had been led to expect.³ Connecticut it is now generally believed will come into the measure.

Nothing has been yet done in the principal business before Congress, and I fear the number of States will not increase so far as to be competent to it. The Negotiations with Spain are carried on if they {go on at all}⁴ entirely {behind the curtain}. The business has been put into such a form that it rests wholly {with Jay how far he will proceed with Guardoqui} and how far {he will communicate with Congress}. The instructed States are hence {under some embarrassment}. They can not demand information {of right}. They are unwilling by asking it {of favour to risk a refusal} and they cannot resort to the present thin Congs. with any hope of success. Should Congs. become pretty full, and {Pennsylvania} follow N. C., Virga. & N. Jersey, in giving instructions, the {case may be altered}. Adieu. Js. M.

[P.S.] We have just agreed that the delegates here shall in future write individually and in rotation to the Executive. You will please to consider this which I had written before the rule was fixed as a private letter, in the light of a public one so far as it may deserve communication to the Board, not however depositing it among their public papers.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:307–8.

¹ For Gov. George Clinton's cooperation with Genl. Benjamin Lincoln in pursuing Massachusetts insurgents who had fled to New York, see Massachusetts Delegates to James Bowdoin, March 4.

² See *JCC*, 32:93–105.

³ On February 22 the Massachusetts assembly had instructed its delegates to the Philadelphia Convention "by no means to interfere with the fifth of the articles of Confederation," which stipulated that congressional delegates would be elected annually, that they could serve no more than three in any term of six years, that they were subject to recall and replacement by their state assemblies, and that they could not hold office simultaneously under the United States. The Massachusetts House of Representatives repealed its previous instructions on March 7 and adopted new ones based on the congressional resolution of February 21. The Senate reluctantly agreed on March 10. See *Doc. Hist. of Ratif.*, 1:205–9; and *JCC*, 32:71–74.

⁴ Words printed in braces in this text were written by Madison in cipher.

William Blount to John Gray Blount

Dear Sir,

Newyork March 12th 1787

Yesterday and the day before H[awkins] & myself had Conversations with the individual Members of the board of Treasury and also with Duer their Secretary and they (as a Board) wish the Tobacco to be sold to raise Mony to pay the June Interest in Holland and say a Credit may be given as late as November provided the payment is m'de in Bills that can be discounted in Holland in June. Constable Rucker & Co of which Morris is one will I expect offer us 26/4 per 100 lb Weight in this Kind of payment and I think more cannot be offered by any than who means to pay for it and it will not be sold to no Man for no price however high without we have the greatest Certainty of the Mony. It will be in my power I believe to get such part of the purchase as I please at present. I only think of 100 Hogsheads and I repeat that you may venture to use that quantity.

George Ogg tells me in a Letter of this day to hand dated 25th Feby at Augusta that he has received only 4000 lb Weight deerskins from Ward, which were then prizing for Shipment to the Northward agreeable to Orders—and that the Titles to our Lands¹ are [copied?] and would be forwarded to you by James Williams late of Hillsboro' to Hillsborough I suppose. There's a Suit of the Agents of the Privateers against T[homas] & T[itus] O[gden] which I suppose will probably be brought on at the next Court at New Bern perhaps it might be as well if you should attend to it.

Your's &c,

Wm. Blount

RC (Nc–Ar: Blount Papers).

¹ The editor of the *Blount Papers* speculates that "This seems to verify the charges that William Blount had bought land with the goods intended to secure grants from the Indians for the state, although Blount emphatically denied (October 9, 1786) that he had

purchased any land at Hopewell and insisted that he had not purchased any after June, 1785." Blount, *Papers* (Keith), p. 262n. For this aspect of Blount's career, see also William H. Masterson, *William Blount* (1954; reprint ed., New York: Greenwood Press, 1969), pp. 100–109, 118–119.

Nathan Dane to Thomas Dwight

Dear Sir

New York March 12. 1787

I will thank to convey the inclosed¹ to Mr. Sedgwick by some careful hand—it gives me much pleasure to find that peace and order are, in a great degree, restored in your part of the Country, and particularly on your account, and that of many others of my friends. I believe much, however, is to be done yet, to render peace and order permanent; & to give health and vigor to our republic—it is not sufficient that the political condition of men should, in fact, be good & eligible; but they must be made to esteem it so. I hope the Government and it's friends will, with the eye of dispassionate reason, view the Commonwealth; and the progressive effect of public measures. I should be very sorry to see great numbers of our people moving to Canada, &c. It would much effect the Strength and honor of the United States—but I fear such an event—great encouragement is given by the British Government to tempt them to do it. The British are very busy on our frontiers, and our frontier Inhabitants from New Hampshire to Georgia in my opinion will give us much trouble in a few years if we do not treat & govern them with much prudence & good policy.

Pray how Stand affairs in Vermont—is it supposed in your part of the Country that the people of that State are desirous of coming into the Confederacy? New York has it in Contemplation to move for their admission in the Confederacy, & an acknowledgment of their independance &c. Mr. Hamilton made a motion today in the House of Representatives of this State (N. York) to that effect this motion is to be considered tomorrow.² The best informed men in this State appear to be in favor of the motion, and I believe the Eastern people in General.

I find that our people have had some suspicions relative to the Conduct of N. York as to our rebels. They are ill founded—the Governt. of N. York has acted with promptitude and generosity and has manifested a laudable anxiety for the preservation of the Government of a Sister State & I believe the people also.³ The other States will do the same—if R. Island be not an exception.

The people of Maryland have very generally joined with the Senate of that State in opposing the emission of paper money proposed by the house of Delegates headed by Chase, Paca & some other wicked & popular leaders. The reasons the Senate & people gave were Just—"that tho they had many difficulties they could not expect to remove

them by omitting paper money—that it would only tend to increase them by encouraging idleness and discouraging industry.” This turn of affairs in Maryland we must consider as fortunate—evidence that the people possess just ideas.

Few things happen here out of the Common Course—and we all dear Sir, look, for information from the part of the Country you live in—if you can find a leisure hour I must request the favor that you will continue to inform us of such things as may happen & which you may think of importance &c.

Your affecte. freind,

N. Dane

RC (PHi: Gratz Collection).

¹ Not identified.

² See Hamilton, *Papers* (Syrett), 4:112–18, 126–41.

³ See Massachusetts Delegates to James Bowdoin, March 4, note 3.

Arthur St. Clair to James Wilson

Dear Sir

New York March 12th. 1787

Do not ascribe it either to neg[lect or] want of Freindship that I have not written [to] you at an earlier day in any thing that respec[ts] you neither One nor other of these will ever have Place, tho I am sensible I may have exposed myself to the Suspicion.

If my continuing as a security for the Sum I endorsed a Note for will be any manner of Service to you, I am willing to do so, and ready to renew it in the manner it now stands or to put it into any other Shape that may be most useful, at any time that it may be des[ired].

I have been turning in my Mind [the state] of the Lands you mentioned that you intended to [give] as a Security for your part of the Debts of your late unfortunate Partnership and been making Enquiries here from Persons that I believe competent Judges of the value of Lands situated as yours [are,] the Result of which has been that they would [be] a very ample Security for a much greater Sum provided there was not a necessity of very suddenly converting them into Money. When their Situation, all either upon the Delaware or having an easy communication with it and by it to the City of Philadelphia together with the Settlements that are already formed and the moral certainty of their rapid progression it is taken into consideration it is clear to almost a Demonstration that their value must encrease more rapidly than any other Species of property whatsoever—indeed I presume if they were to be sold even now and time given for the payment they [wou]ld sell for much more Money, tho the Case might be otherwise if ofered for ready Money only, for in that Case they must fall into the hands of monied Men who purchase only with a view to the encreasing

value and have no design of settlement. The present scarcity of Money would also influence the price greatly—but in disposing of them on time, and in lotts suited to settlem[ent] a much better price could be [o]btained—part of it [paid] down, and the Security for the remainder encre[ase in] consequence of the Settlements formed upon them, and even in this way the scarcity of Money will have its effects yet it is not so sensible. Because it is the custom of our Farmers, and those of this State also, to lay Money up for the express purpose of laying it out in Land—paying a part down and the rest by instalments, I wish it may appear to other Gentlemen as clear as it does to me that the present value is beyond the Sum for which you propose to pledge it, and that in a very few Years indeed it will more than quadruple itself.

We have little News of Conseq[ue]nce. The] Insurrection in Massachusetts seems to be entirely [sup]pressed—and they have appointed Delegates to the Conv[en]tion which it is expected will be followed by like Appointments in the other eastern States. Adieu believe me ever with the sincerest respect and E[st]eem, Dr Sir

FC (O: St. Clair Papers). In the hand of Arthur St. Clair.

James Madison's Notes of Debates

Teusday March 13 [1787].

Col. Grayson & Mr. Clarke having lately moved to have the military stores at Springfield removed to some place of greater security, the motion was referred to the Secretary at War, who this day reported agst. the same as his report will shew.¹ No opposition was made to the report, and it seemed to be the general sense of Congs. that his reasons were satisfactory. The Movers of the proposition however might suppose the thinness of Congs. (8 States only being present) to bar any hope of successful opposition.

Memor[an]dum. Called with Bingham today on Mr. Guardoqui, and had a long conversation touching the Western Country—the Navigation of the Mississpi—and commerce; as these objects relate to Spain & the U.S. Mr. B. opened the conversation with intimating that there was reason [to] believe the Western people were exceedingly alarmed at the idea of the projected Treaty which was to shut up the Mississippi and were forming committees of correspondence &c. for uniting their councils & interests. Mr. Guar. with some perturbation replied that as a friend to the U.S. he was sorry for it, for they mistook their interest; but that as the Minister of Spain, he had no reason to be so. The result of what fell in the course of the conversation from <us> J. M. & Mr. B. was, that it was the interest of the two nations to live in harmony.

That if Congress were disposed to treat with Spain on the ground of a Cession of the Mississpi, it would be out of their power to enforce the treaty—that an attempt would be the means of populating the western Country with additional rapidity—that the British had their eye upon that field, would countenance the separation of the Western from the Eastern part of N. A; promote the settlement of it, and hereafter be able to turn the force springing up in that quarter agst. Spanish America, in co-operation with their naval armaments—that Spain offered nothing in fact to the U.S. in the commercial scale which she did not grant to all other nations from motives of interest.

Mr. Guardoqui would not listen to the idea of a right to the navigation of Mississpi by the U.S. contending that the possession of the two banks at the mouth shut the door agst. any such pretension. Spain never would give up this point. He lamented that he had been here so long without effecting any thing; and foresaw that the consequences would be very disagreeable. What wd. these consequences be? He evaded an answer by repeating general expressions. Spain could make her own terms he said with G.B. He considered the Commercial connection proposed as entirely in favor of the U.S. & that in a little time the ports of Spain wd. be shut agst. fish. He was asked whether agst. all fish or only agst. fish from U.S.: from all places not in treaty he said with Spain. Spain would act according to her own ideas. She would not be governed by other people's ideas of her interest.

He was very sorry for the instructions passed by Va. He foresaw bad consequences from them.² He had written to soften the matter as well as he cd. but that troops & stores wd. certainly reinforce N. Orleans in consequence of the Resolutions.

He had not conferred at all with the Minister of For. Af. since Octr. and did not expect to confer again. He did not expect to remain much longer in America. He wished he might not be a true prophet, but it would be found that we mistook our interest, and that Spain wd. make us feel the vulnerable side of our commerce by abridging it in her ports.

With an air of ostensible jocoseness he hinted that the people of Kentucky would make good Spanish subjects, and that they would become such for the sake of the privilege annexed to that character.

He seemed to be disposed to make us believe that Spain & Britain understood one another—that he knew the views of G. B. in holding the western posts—and that Spain had it in her power to make G. B. bend to her views. He affected a misterious air on this point, which³ led to a supposition that [*he*] doubted what to say on it.

He intimated that Spain could not grant any inlet of the American trade by *Treaty*: but that in case of a treaty, trade thro' the Mississippi as well as other channels wd. be winked at.

In speaking of the Mississpi and the right of Spain he alluded to the case of the Tagus which Spain had never pretended to a right of navigating thro' Portugal. It was observed to him that in estimating the rights of Nations in such cases regard must be had to their respective proportions of territory on the River. Suppose Spain held only 5 Acres on each side at the mouth of Missipii wd. she pretend to an exclusive right in such case? He said that was not the Case; Spain had a great proportion. How much? After some confusion & hesitation he sd. she claimed at least — as far as the Ohio. We smiled, & asked how far Eastwardly from the Mispi. He became still more at a loss for an answer, & turned it off by insinuating that he had conversed on that matter with the Secretary of F. Affairs.

He was reminded of the doctrine maintained by Spain in 1608, as to the Scheld.⁴ He seemed not [*to*] have known the fact, and resolved it into some political consideration of the times.

He was asked whether the partition of the B. Empire could deprive this part of it, of the rights appertaining to the King of G. B. as King of this Country—and even whether the rupture of G. B. & Spain could deprive, in justice, the U.S. of Rights which they held under the Treaty of 1763 whilst they remained a part of the British Empire? Whether in case no such rupture had happened, the Treaty⁵ would have been dissolved by the Revolution? &c &c. He did not seem well to understand the principles into which such questions resolved themselves—and gave them the go by, referring the claim of Spain principally to her conquests of the British possessions in N. America.

He betrayed strongly the anxiety of Spain to retard the population of the Western Country; observing that when ever sufficient force should arise therein, it wd. be impossible for it [*to*] be controuled: That any conciliating measures that might be taken now, would have little effect on their temper & views 50 or 100 years hence when they should be in force.

When we rose to take leave, he begged us to remember what he had said as to the inflexibility of Spain on the point of the Mississippi and the consequences to America of her adherence to her present pretensions.⁶

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:309–11.

¹ For William Grayson's March 8 motion and the lengthy report of Henry Knox read this day, see *JCC*, 32:85, 109–14.

² For resolutions apparently drafted by Madison and passed by the Virginia assembly on November 29, 1786, reaffirming American rights to navigate the Mississippi, see Madison, *Papers* (Rutland), 9:181–84.

³ At a later time Madison struck out the remainder of this sentence and interlined "only proved that he was at a loss what to say to the probability and tendency of a connection between G.B. & the western settlements, in case the Mississpi sd. be given up by Congs."

⁴ That is, Spain's prior claim to free navigation of the Scheldt River, which was held at its mouth by the United Provinces of the Netherlands.

⁵ At this point Madison later interlined "between Spain & that part of the Empire."

⁶ For a subsequent interview between the Virginia delegates and the Spanish minister which ranged broadly over "the Western Country & the Mississpi," see Madison's Notes on Debates, March 29.

Immediately following this entry Madison wrote "Nothing worth noting till Teusday March 20," although he later struck out "worth noting" and substituted "noted."

Arthur St. Clair's Notes for a Speech in Congress

[March 13, 1787]¹

The Cultivation of a strict Friendship with Port[ugal] seems to me an Object from which considerable Advantages to the united States would flow—and a commercial Treaty upon proper Principles is the most likely mode to secure those Advantages—but I do not conceive it is to be effected by sending a Resident to that Court. When Courts send Men in public Characters to the Courts of other Nations they have two Objects in view. As a testimony of their Respect and watch over their Interests either as the[y] stand upon the ground of particular Treaties or the general Law of Nations. For those purposes a Resident, an Envoy, an Ambassador are proper and Competent but for effecting a Treaty plenipotentiary Powers are necessary—with whatever Character then you invest the Person who may be sent to P. if a Treaty is the principal Design with full Powers for that purpose he must be clothed. If the Expence is an Objection to sending a Minister—send a Person with Powers to effect the Treaty who after its Ratification shall take upon him the Character of a Minister, make the usual Compliments, return to his Country and be succeeded by a chargé des Affairs.

MS (O: St. Clair Papers). In the hand of Arthur St. Clair.

¹ St. Clair apparently delivered these undated remarks this day during debate on a report of the secretary for foreign affairs, John Jay, on the expediency of establishing an agent or consul at Lisbon, Portugal. Jay's report had been prompted by a February 20 letter from the American agent at Madiera, John Marsden Pintard. Pintard, who had been on leave in New York and was on the point of returning to Madiera, had recommended that Congress extend his "Agency" to include the port of Lisbon, adding that he would serve there, as he had in Madeira, without "any pecuniary Compensation or salary." Although expressing a preference for having "a Resident or Minister with consular Powers" at Lisbon, Jay essentially endorsed Pintard's recommendation, and Congress resolved March 13 "That a commercial Agent to reside at the Port of Lisbon be appointed." Monday, March 19 was assigned for filling the post, but no appointment was made. See *JCC*, 32:78, 88–90, 108; and *PCC*, item 78, 18:623–24.

Congress' general paralysis in the conduct of foreign affairs during this period was also reflected in its failure to settle the claims of Arnold Henry Dohrman, the United States agent at Lisbon during the war, who was still owed more than \$25,000 for dis-

bursements he had made in behalf of captive Americans brought into Portuguese ports and who himself had supporters for the appointment as Lisbon consul. The day set for the election, March 19, was also the date the board of treasury submitted its report on Dohrman's claims, but its recommendations were not adopted until October 1. See *JCC*, 32:119–21, 33:586–88; and these *Letters*, 15:425–26.

James M. Varnum to Henry Knox

Sir.

Tuesday 13 March 1787.

Your report upon the motion of Colo. Graison was read this day in Congress.¹ Your own feelings are only capable of realising my satisfaction upon the occasion. IT WAS PERFECT! I called for a second reading, and a decision. The Colo. answered, that it was usual to postpone the consideration of a report, for deliberation. I answered him, that the statement of facts & observations in the report having devoured his motion, we expected, from his good sense and candor, a Retraction. He said, Congress is not full. Nor will it ever be, for so visionary a purpose!

I am yours most sincerely,

J M Varnum

RC (NN: Myers Collection).

¹ For Knox's report opposing William Grayson's motion for removal of the arms and stores collected at the Springfield, Mass., arsenal during Shays' Rebellion, see *JCC*, 32:85, 109–14; and James Madison's Notes, this date, note 1.

William Blount to John Gray Blount

Newyork March 14th 1787

The inclosed Letter¹ serves to show the state of the Tobacco please forward it after sealing it with a *Wafer*. I have not spoke to C[onstable] & R[ucker] & Co. to purchase any part of it but depend on geting 100 Hogsheads at the same price. The Tobacco being sold I have only one more Object in staying, that is to Vote for the Removal of Congress from this to Philadelphia and this I believe will undoubtedly happen as soon as Maryland comes up. To do this Act I owe to myself, the Yankees and the state of Newyork. Let Molsey know I am well.

Your's &c &c,

Wm. Blount

[P.S.] I believe we shall be able to write what is done with the Tobacco by the post tomorrow. Ashe is not up.

RC (Nc–Ar: Blount Papers).

¹ See the following entry.

William Blount to Richard Caswell

Sir,

Newyork March 14th 1787

The Delegates of North Carolina are just now offered for the Public Tobacco by Constable, Rucker & Co.¹ three dollars and one third of a dollar per Cwt. payable in such Bills on Holland as the Board of Treasury will recive as a payment from the State and as they will apply to the Payment of the Interest due on the Dutch Loan in June next. One Condition is that the Tobacco shall be reinspected under the Eye of an Agent of the Purchasers by some one or more of the North Carolina Inspectors. Another is that 30,000 dollars shall be advanced by the Purchasers on Closing the Contract otherwise the June Interest can't be provided for in Time. It is my Opinion at present that the Delegation ought to accept the Offer and I believe will and if they do Vessels will be *immediately* sent from hence to the different ports to receive it.

The Delegation will probably be able to write more fully by tomorrow's Post. I have the Honor to be, Your most Obt. servant,

Wm. Blount

RC (NNPM: Signers of the Constitution).

¹ For the tobacco contract Blount and Benjamin Hawkins signed with Constable, Rucker & Co. on March 16, and the board of treasury's assessment of it, see *N.C. State Records*, 20:639-41.

James Madison to George Washington

Dear Sir,

New York March 18th. 1787

Recollecting to have heard you mention a plan formed by the Empress of Russia for a comparative view of the aborigines of the new Continent, and of the N. E. parts of the old, through the medium of their respective tongues, and that her wishes had been conveyed to you for your aid in obtaining the American vocabularies, I have availed myself of an opportunity offered by the Kindness of Mr. Hawkins,¹ of taking a copy of such a sample of the Cherokee & Chactaw dialects as his late commission to treat with them enabled him to obtain, and do myself the honor now of inclosing it. I do not know how far the list of words made use of by Mr. Hawkins may correspond with the standard of the Empress, nor how far nations so remote as the Cherokees & Chactaws from the N. W. shores of America, may fall within her scheme of comparison. I presume however that a great proportion at least of the words will answer, and that the laudable curiosity which suggests investigations of this sort will be pleased with every enlargement of the field for indulging it. Not finding it convenient to retain a

copy of the inclosed as I wished to do for myself, I must ask the favor of your amanuensis to perform that task for me.

The appointments for the Convention go on very successfully. Since the date of my last, Georgia, S. Carolina, N. York, Massts. & N. Hampshire have come into the measure. Georgia & N. Hampshire have constituted their Delegates in Congs. their representatives in the Convention. S. Carolina has appointed Mr. J. Rutledge, Genl. Pinkney, Mr. Laurens, Major Butler, and Mr. Chs. Pinkney late a member of Congs. The deputies of Massts. are Mr. Dana, Mr. King, Mr. Ghoram, Mr. Gerry, Mr. Strong. I am told that a Resolution of the Legislature of this State which originated with their Senate lays its deputies under the fetter of not departing from the 5th of the present articles of Confederation. As this Resolution passed before the Recommendatory act of Congress was known, it is conjectured that it may be rescinded; but its having passed at all denotes a much greater prevalence of political jealousy in that quarter than had been imagined.² The deputation of N. York consists of Col. Hamilton, Judge Yates and a Mr. Lansing. The two last are said to be pretty much linked to the antifederal party here and are likely of course to be a clog on their Colleague. It is not doubted now that Connecticut & R. Island will avoid the singularity of being unrepresented in the Convention.

The thinness of Congs. has been an obstacle to all the important business before them. At present there are nine States on the ground but this number, though adequate to every object when unanimous, makes a very slow progress in business that requires seven States only. And I see little prospect of the number being increased.

By our latest and most authentic information from Massts. it would seem that a calm has been restored by the expedition of Genl. Lincoln. The precautions taking by the State however betray a great distrust of its continuance. Besides their act disqualifying the malcontents from voting in the election of members for the Legislature &c. another has been passed for raising a corps of 1000 or 1,500 men, and appropriating the choicest revenues of the Country, to its support.³ It is said that at least half of the insurgents decline accepting the terms annexed to the amnesty, and that this defiance of the law agst. Treason, is countenanced not only by the impunity with which they shew themselves on public occasions, even with insolent badges of their character, but by marks of popular favor conferred on them in various instances in the election to local offices.

A proposition has been introduced & discussed in the Legislature of this State, for relinquishing its claim to Vermont, and urging the admission of it into the Confederacy.⁴ As far as I can learn difficulties will arise only in settling the form, the substance of the measures being not disliked by any of the parties. It is wished by those who are not interested in claims to lands within that district to guard agst. any

responsibility in the State for compensation. On the other side it will at least be insisted that they shall not be barred of the privilege of carrying their claims before a federal Court, in case Vermont shall become a party to the Union. I think it probable if she should not decline becoming such altogether, that she will make two conditions if not more: 1. that neither her boundaries, nor the rights of her citizens shall be impeachable under the 9th art. of Confederation.⁵ 2. that no share of the public debt already contracted shall be allotted to her.

I have a letter from Col. Jno. Campbel dated at Pittsburg, from wch. I gather that the people of that quarter are thrown into great agitation by the reported intention of Congs. concerning the Mississippi, and that measures are on foot, for uniting the minds of all the different settlements which have a common interest at stake. Should this policy take effect I think there is much ground to apprehend that the ambition of individuals will quickly mix itself with the first impulses of resentment and interest, that by degrees the people may be led to set up for themselves, that they will slide like Vermont insensibly into a communication and latent connection with their British neighbours, and in pursuance of the same example, make such a disposition of the Western territory as will entice into it most effectually emigrants from all parts of the Union. If these apprehensions be not imaginary they suggest many observations extremely interesting to Spain as well as to the United States.

I hear from Richmond with much concern that Mr. Henry has positively declined his mission to Philada. Besides the loss of his services on that theatre, there is danger I fear that this step has proceeded from a wish to leave his conduct unfettered on another theatre where the result of the Convention will receive its destiny from his omnipotence. With every sentiment of esteem & affection I remain, Dear Sir, Your Obedt. and very hble Servt.,

Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 9:314–16.

¹ That is, Benjamin Hawkins of North Carolina who had been appointed one of five commissioners to negotiate with the southern Indians, for which see these *Letters*, 22:287, 293.

² See Madison to Edmund Randolph, March 11, note 3.

³ Hard on the heels of its February 4 declaration of rebellion, the Massachusetts General Court authorized the enlistment of up to 2,600 additional troops to suppress further uprisings and subsequently passed a Disqualification Act banning the insurgents from, among other things, voting, officeholding, and jury duty. But Benjamin Lincoln had yet to restore “calm” and the insurgents remained active throughout the spring. See Szatmary, *Shays’ Rebellion*, pp. 106–19. See also Massachusetts Delegates to James Bowdoin, February 21 and March 4.

⁴ See Nathan Dane to Timothy Dwight, March 12, note 2.

⁵ That is, the provision in the second paragraph that made Congress the final authority in resolving “all disputes and differences . . . between two or more states concerning boundary, jurisdiction or any other cause whatever.” See *JCC*, 19:218.

Rufus King to John Nicholson

Sir,

New York 19 Mar 1787

Having seen an advertisement in the Pennsylvania packet that the public accounts of the Officers of Pennsylvania were printed for the information of the Citizens of that State—¹

I have taken the liberty to request of you to send me a copy of this Publication; I know no other apology to make for the liberty I now take, except that which arises from your known politeness & liberality.

With due consideration & respect, I am Sir, yr. obt. & very Humble Servt.,

Rufus King

RC (PHi: Gratz Collection).

¹ The following notice, printed over Nicholson's signature and dated "Comptroller-General's Office, Philadelphia, March 12, 1787," appeared in the March 14 issue of the *Pennsylvania Packet*.

"The Honorable the Legislature having directed that the Public Accounts of the Officers of the State of Pennsylvania should be Printed for the Use of the Citizens thereof: Information is hereby given, That those Citizens who wish to be informed of the Revenues collected in this State, and the Application of the same, as well as of the Situation of the Accounts of Individual Officers employed in collecting or paying Public Monies, may be furnished therewith *Gratis*, by sending or applying for them, or any of them, at this Office."

James Madison to Thomas Jefferson

Dear Sir

N. York. March 19th. 1787.

My last was of the 11th of Feby. and went by the Packet. This will go to England in the care of a French gentleman who will consign it to the care of Mr. Adams.

The appointments for the Convention go on auspiciously. Since my last Georgia, S. Carolina, N. York, Massts. and N. Hampshire have come into the measure. The first and last of these States have commissioned their delegates to Congress, their representatives in Convention. The deputation of Massts. consists of Messrs. Ghoram, Dana, King, Gerry, and Strong. That of N. York, Messrs. Hamilton, Yates & Lansing. That of S. Carolina, Messrs. J. Rutledge, Laurens, Pinkney (General) Butler, and Chas. Pinkney lately member of Congress. The States which have not yet appointed are R. Island, Connecticut, and Maryland. The latter has taken measures which prove her intention to appoint, and the two former it is not doubted will follow the example of their neighbours. I just learn from the Governor of Virginia that Mr. Henry has resigned his place in the deputation from that State, and that Genl. Nelson is put into it by the Executive who were autho-

rized to fill vacancies. The Governor, Mr. Wythe & Mr. Blair will attend, and some hopes are entertained of Col. Mason's attendance. Genl. Washington has prudently authorized no expectations of his attendance, but has not either precluded himself absolutely from stepping into that field if the crisis should demand it. What may be the result of this political experiment cannot be foreseen. The difficulties which present themselves are on one side almost sufficient to dismay the most sanguine, whilst on the other side the most timid are compelled to encounter them by the mortal diseases of the existing constitution. These diseases need not be pointed out to you who so well understand them. Suffice it to say that they are at present marked by symptoms which are truly alarming, which have tainted the faith of the most orthodox republicans, and which challenge from the votaries of liberty every concession in favor of stable Government not infringing fundamental principles, as the only security against an opposite extreme of our present situation. I think myself that it will be expedient in the first place to lay the foundation of the new system in such a ratification by the people themselves of the several States as will render it clearly paramount to their Legislative authorities. 2dly. Over & above the positive power of regulating trade and sundry other matters in which uniformity is proper, to arm the federal head with a negative *in all cases whatsoever* on the local Legislatures. Without this defensive power experience and reflection have satisfied me that however ample the federal powers may be made, or however Clearly their boundaries may be delineated, on paper, they will be easily and continually baffled by the Legislative sovereignties of the States. The effects of this provision would be not only to guard the national rights and interests against invasion, but also to restrain the States from thwarting and molesting each other, and even from oppressing the minority within themselves by paper money and other unrighteous measures which favor the interest of the majority. In order to render the exercise of such a negative prerogative convenient, an emanation of it must be vested in some set of men within the several States so far as to enable them to give a temporary sanction to laws of immediate necessity. 3dly. to change the principle of Representation in the federal system. Whilst the execution of the Acts of Congs. depends on the several legislatures, the equality of votes does not destroy the inequality of importance and influence in the States. But in case of such an augmentation of the federal power as will render it efficient without the intervention of the Legislatures, a vote in the general Councils from Delaware would be of equal value with one from Massts. or Virginia. This change therefore is just. I think also it will be practicable. A majority of the States conceive that they will be gainers by it. It is recommended to the Eastern States by the actual superiority of their populousness, and to the Southern by their expected superiority. And

if a majority of the larger States concur, the fewer and smaller States must finally bend to them. This point being gained, many of the objections now urged in the leading States agst. renunciations of power will vanish. 4thly. to organise the federal powers in such a manner as not to blend together those which ought to be exercised by separate departments. The limited powers now vested in Congs. are frequently mismanaged from the want of such a distribution of them. What would be the case, under an enlargement not only of the powers, but the number, of the federal Representatives? These are some of the leading ideas which have occurred to me, but which may appear to others as improper, as they appear to me necessary.

Congress have continued so thin as to be incompetent to the despatch of the more important business before them. We have at present nine States and it is not improbable that something may now be done. The report of Mr. Jay on the mutual violations of the Treaty of peace will be among the first subjects of deliberation.¹ He {favors the British claim of interest}² but {refers} the {question to the court}. The amount of the {report which is an able one} is that the {treaty should} be {put in force} as a {law and the exposition of it} left like that {of other laws to the ordinary tribunals}.

The {Spanish project sleeps. A} perusal of the {attempt of seven states} to make a {new treaty by repealing} an {essential condition of the old} satisfied me that Mr. {Jay's caution} would {revolt at so irregular a sanction}. A late accidental conversation with {Guardoqui proved to me} that the {negociation is arrested}.³ It may appear strange that a member of {Congress should be indebted to a foreign minister} for {such information yet such} is the {footing on which} the {intemperance} of {party has put the matter} that it rests wholly with {Mr. Jay how far he} will {communicate with Congress} as well as {how far he will negotiate with Guardoqui}. But although it appears that the intended {sacrifice of} the {Missisipi will not be made}, the {consequences of the intention} and the {attempt are likely to be very serious}. I have already made known to you the light in which the subject was {taken up by Virginia}.⁴ Mr. {Henry's disgust exceeded all measure} and I am not singular in ascribing his refusal to {attend the Convention} to the {policy of keeping himself free} to {combat or espouse the result of it according} to the result {of the Missisipi business among other circumstances. North Carolina also} has given {pointed instructions} to {her delegates, so has New Jersey}. A {proposition} for the {like purpose} was a {few days ago made in the legislature of Pennsylvania} but went off without a {decision on its merits. Her delegates in Congress are equally divided} on the subject. The tendency of this {project} to {foment distrusts among the Atlantic states} at a {crisis when harmony} and {confidence ought to have been} studiously {cherished} has not been more {verified than its predicted effect} on the {ultramontane

settlements}. I have credible information that the people {living on the western waters are already in great agitation and are} taking {measures for uniting their consultations}. The {ambition} of {individuals} will {quickly mix itself} with the {original motives of resentment and interest}. A {communication will gradually} take place {with their British neighbors}. They will be {led to set up for themselves} to {seize on the vacant lands} to {entice emigrants⁵ by bounties} and an {exemption from federal burdens} and in all respects to {play the part of Vermont on a larger theatre}. It is {hinted to me} that {British partisans} are already {feeling the pulse} of some of the {Western settlements}. Should these {apprehensions not be imaginary Spain may have equal reason} with the {United States to rue the unnatural attempt to shut the Mississippi. Guardoqui has been admonished} of {the danger} and I believe {is not insensible to it tho'} he {affects to be otherwise} and {talks} as if the dependance of {Britain on the commercial favors of his court} would {induce her to play into the hands of Spain}. The eye of {France also can not fail to watch over the western prospects}. I learn from those who {confer here with Otto and de la Forest} that they {favor the opening of the Mississippi dis}claim[in]g at the same time any authority to} speak the {sentiments of their court}. I find that the {Virginia delegates during the Mississippi discussions} last {fall entered into very confidential interviews with these gentlemen}. In one of them the {idea was communicated to Otto} of {opening the Mississippi for exports} but {not for imports} and {of giving to France and Spain} some {exclusive privileges in the trade}.⁶ He {promised} to transmit it to {Vergennes to obtain his sentiments} on the {whole matter} and {to communicate them to the delegates}. Not long {since Grayson called on him} and {revived the subject}. He as{sured G——} that {he had received no answer from⁷ France} and signified his {wish that you might pump the Count de Vergennes *observing that he would deny to you his having received any information from America*}. I {discover thro} several {channels that it would be} very {grateful to the French politicians here to see our negotiations with Spain shifted into your hands} and {carried on under the mediating auspices of their court}.⁸

{Van Berkel has remonstrated against the} late {acts of Virginia giving privileges to French wines and brandies *in French bottoms*, contending} that the {Dutch are entitled} by {their treaty to equal exemptions} with the {most favored nation without being subject to a compensation for them}. Mr. {Jay has reported against this construction} but considers the {act of Virginia as violating the treaty} first {because it appears to be gratuitous} not {compensatory on the face of it}. Secondly {because the states have no right to form tacit compacts} with {foreign nations}. No decision of Congress has yet taken place on the subject.⁹

The expedition under General Lincoln agst. the insurgents has effectually succeeded in dispersing them. Whether the calm which he

has restored will be durable or not is uncertain. From the precautions taking by the Govt. of Massts. it would seem as if their apprehensions were not extinguished. Besides disarming and *disfranchising* for a limited time those who have been in arms, as a condition of their pardon, a military corps is to be raised to the amount of 1000, or 1500 men, and to be stationed in the most suspected districts. It is said that notwithstanding these specimens of the temper of the Government, a great proportion of the offenders chuse rather to risk the consequences of their treason, than submit to the conditions annexed to the amnesty, that they not only appear openly on public occasions but distinguish themselves by badges of their character, and that this insolence is in many instances countenanced by no less decisive marks of popular favor than elections to local offices of trust & authority.

A proposition is before the Legislature of this State now sitting for renouncing its pretensions to Vermont, and urging the admission of it into the Confederacy. The different parties are not agreed as to the form in which the renunciation should be made, but are likely to agree as to the substance. Should the offer be made, and Vermont should not reject it altogether I think they will insist on two stipulations at least, 1st. that their becoming parties to the Confederation shall not subject their boundaries, or the rights of their citizens to be questioned under the 9th art. 2dly. that they shall not be subject to any part of the public debts already contracted.

The Geographer and his assistants have returned surveys on the federal lands to the amount of about 800,000 Acres which it is supposed would sell pretty readily for public securities, and some of it lying on the Ohio even for specie. It will be difficult however to {get proper steps taken by Congress, so many of the states having} now {lands of their own at market}. It is supposed that this consideration had {some share in the zeal for shutting the Missisipi. New Jersey} and some others {having no western lands} which {favored this measure} begin now to {penetrate the secret}.

A letter from the Govr. of Virga. informs me that paper money is beginning to recover from the blow given it at the last Session of the Legislature. {If Mr. Henry espouses it, of which} there is {little doubt I think an emission will take place}. The Governor mentions the death of Col A. Cary speaker of the Senate.

This letter will be accompanied by another inclosing a few Peccan Nuts.¹⁰ When I sent the latter to the Gentleman who is charged with it, I doubted whether I should be able to finish this in time, and I only succeed by having written to the last moment. Adieu. Yrs. Afey.,

Js. Madison Jr

text with a partial transcript of it made in 1834 by Nicholas P. Trist, see *ibid.*, p. 322, document note, and notes 1–5.

¹ John Jay's lengthy report of October 13, 1786, was taken up the following day, for which see Madison's Notes of Debates, March 20.

² Words printed in braces in this text were written by Madison in cipher.

³ For evidence that Madison's and William Bingham's interview with the Spanish minister was far from "accidental," see Madison's Notes of Debates, March 13. For the Virginia delegates' subsequent meeting with Gardoqui, see Madison's Notes of Debates, March 29.

⁴ See Madison's letters to Jefferson of August 12 and December 4, 1786, in Madison, *Papers* (Rutland), 9:93–99, 189–92, and his letter of February 11 in this volume.

⁵ "Emigrants" supplied by Jefferson, for which Madison had omitted the code.

⁶ See the Virginia Delegates' Motion, August 21, 1786.

⁷ Madison interlined this word at a later time.

⁸ For Madison's April 18 motion to authorize Jefferson to negotiate with Madrid, John Jay's unfavorable April 20 report on that motion, and the April 23 debate on the issue, see *JCC*, 32:210, 217–20; and Madison's Notes of Debates, April 23.

⁹ See Virginia Delegates to Edmund Randolph, March 5, note 1.

¹⁰ For this brief March 18 letter, see Madison, *Papers* (Rutland), 9:313–14.

James Madison to Edmund Randolph

Sir

New York March 19th. 1787

Your Excellency's two favors of the 1st & 4th of March, with the papers referred to have been duly received. Of the latter a discretionary use will be made as you are pleased to recommend.¹

A copy of the Note from Mr. Vanberkle complaining of Certain late acts of Virginia has been already transmitted. I now add the Report of the Secretary for Foreign Affairs on the subject, which has not yet undergone the consideration of Congress.²

The appointments for the Convention go on auspiciously. All the States have now come into the measure except Maryland of whom no doubt is entertained; and Connecticut and Rhode Island, who it is expected will follow the example of their neighbours.

Notwithstanding the apparent victory in Massachusetts over the spirit of rebellion, it is said that at least half the offenders choose rather to defy the consequences of treason, than accept of the amnesty on the conditions annexed to it; that they not only appear openly on public occasions, but have the insolence to wear badges of their character, and that this boldness is countenanced in many places by popular elections of them to local offices.

A proposition has been introduced & discussed in the Legislature here for relinquishing the claim of the State to Vermont and urging the admission of it into the Union. The substance of the proposition is not disliked by any party and it is expected will be agreed to. The only difference of opinion turns on the form, the party not interested

in claims to lands within that district being jealous of a design in the interested party to involve a responsibility in the State for compensation, and the latter party being not less jealous perhaps of a latent wish in the former to see their claims barred even of the chance which the 9th art. of the Union will present if Vermont should become a member of it. The reports of a friendly communication between that district and Canada have of late been very strong and if well founded render it unlikely that the Government of it will be disposed to join the confederacy at all. In no case will they do it I presume without securing their boundaries, and the rights of their people agst. the operation of the 9th art. of Confederation, and the State agst. the burden of the public debt already contracted.

Congress have been too thin for the dispatch of important business, and indeed for any business at all. To day we have 9 States in Town. How long that number may remain is uncertain, and if it should remain how far in practice it may be found competent to the business of 7 States is equally so. With the highest respect & esteem I have the honor to be, Sir, Yr. most Obedt. hble servt., Js. Madison Jr

RC (Vi: Continental Congress Papers). Madison, *Papers* (Rutland), 9:324–25.

¹ For Randolph's letter of March 1, see *ibid.*, p. 301; that of March 4, enclosing papers relating to George Rogers Clark's conduct at Vincennes, is missing. The papers were laid before Congress March 28 and were referred on the 30th to John Jay to report, for which see Charles Thomson to Randolph, April 30, note 1. See also Virginia Delegates to Randolph, February 12, note 1.

² See Virginia Delegates to Randolph, March 5, note 1.

James Madison to Edmund Randolph

My dear Sir

New York March 19th. 1787.

I have been favored with yours of the 1st instant¹ for which I make you my acknowledgments. The public letter which goes by this mail² with the papers inclosed contain all the current information. I have made enquiry as to the copies of the Treaties with Europe & the Indian Nations, which you wish to be forwarded, and am told that you will find all of them on the printed Journals of Congress, copies of which have been transmitted from the Secretary's office to all the Executi[y]es. If there should have been any miscarriage of the despatch to the Executive of Virginia, or if your request referred to the *money conventions*, which have not been printed,³ I will on notice, provide for your information. Yrs affecy.

Js. M. Jr⁴

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:323.

¹ For which see the preceding entry, note 1.

² *Ibid.*

³ That is, the loan contracts between the United States and various European nations, which are in PCC.

⁴ Madison also wrote a brief letter this day to Eliza House Trist commenting on his several letters to her (only a few of which have survived), his meeting with her brother (George House), the election of Edmund Randolph to the Philadelphia Convention, Hugh Henry Brackenridge's speech in the Pennsylvania assembly against the closing of the Mississippi, and the good health that he enjoyed in New York, although "Col. Grayson damns it for the worst climate on the face of God's Earth." See Madison, *Papers* (Rutland), 9:323–24.

North Carolina Delegates to Richard Caswell

Dear Sir,

New York the 19th March 1787

Immediately on the receipt of your Excellency's favor of the 12th of January with the extract of an Act for the disposal of the public Tobacco Colo. Blount turned his attention to that important object, but could not make any progress: And on the arrival of Mr. Hawkins we agreed to apply to the Board of Treasury for their advise and assistance and accordingly wrote them the letter marked 1) with the extract.¹ We at the same time called on the Board and gave such an explanation as would remove as far as was practicable any objections against the unfoederal aspect of the Act. The United States in Congress assembled having the authority "to ascertain the necessary sums of money to be raised for the service of the United States, and to *appropria*te and apply the same for defraying the public expences." The Board seemed much disposed to cooperate with us, and took upon them the part assigned in our first quere. To their letter marked 2)² we could give no other information than such as is detailed in the enclosed which follow in order, that letter.

We soon discovered, that to sell the Tobacco and at a higher price was practicable, provided we would do it on credit, and at the risque of not being paid, or if paid, in paper money in our own State or some other State at par with the specie contract. The variety of Bankrupts in the large commercial Cities, has given such a shock to private faith, that Bills of exchange are deemed a very uncertain remittance. The Act did not authorise us to Ship the Tobacco, or we should most assuredly have sent it to the Farmer's general of France, having it previously ensured in Europe, and under the care of Mr. Jefferson our minister plenipotentiary at Paris. This mode it is generally agreed here, would have produced the most, and next to it the one we have adopted. This latter will produce us a credit at twenty six and eight pence per hundred, on the receipt of the receipts of the Tobacco, at the Treasury and it will, moreover, be paid according to the intentions of our Legislature in discharge of so much of the interest which will be due on the Dutch Loans on the 1st of June next. This payment from

our State is at a very critical period, as, while we pay our interest on the Dutch Loans our credit will be high in the United Netherlands, and the finances of the United States were utterly inadequate thereto, without this and from us. The Minister of the U. Netherlands, has been sufficiently impressed with the upright views & friendly intentions of North Carolina in this business, and he assures us he will in return render us any civilities in his power, particularly, in endeavouring to establish an extensive commercial connection between the two Countrys.

We have assured Constable, Rucker & Co. that orders would be immediately given by your Excellency to the several Commissioners to have the Tobacco reinspected &ca. according to the Forms of the agreement.³ And we have farther to add that the Tobacco at Wilmington will be the first called for. A ship now in port here being ready to sail for that purpose. As the credit is to be given on the receipts, we request that duplicates may be taken and sent forward from time to time as the Tobacco is delivered; Thus much as to the transaction and now, to our own feelings, we did deem it proper to wait for a short period the arrival of Colo. Ashe, because in all money matters we well know that Republicks were invariably jealous, and not being able to trust themselves, would with extreme difficulty be brought to give that credit which should be paid to their faithful servants more especially, when absent. The affair was urgent, payment of interest must be made, at a given period, that period near at hand, the resources of the U. States inadequate thereto, Our National credit at Stake, and all Bills of Exchange or credit transactions very dubious. What was the best to be done? We trust your Excellency will say, & after you, our constituents; *that*, which your delegates have done.

We have the honor to be with great & sincere esteem, Dear Sr., yr.
Excellency's Most obt. & h. Servts.,

Wm. Blount

Benjamin Hawkins

RC (Nc-Ar: Governors' Papers). Written by Hawkins and signed by Blount and Hawkins.

¹ See North Carolina Delegates to the Board of Treasury, February 24.

² See *ibid.*, note 2.

³ For the tobacco contract Blount and Hawkins signed with Constable, Rucker & Co. March 16, see Blount to Caswell, March 14, note.

Arthur St. Clair to John Nicholson

Sir,

New York March 19th. 1787

Tomorrow is the day which was fixed by you as the longest day to which any delay in the payment of our Arrears could be extended.¹ I am not informed what payments or whether any have been since

made. It is most unfortunate for me that I am at present confined to this City, by my public Duty, because I am certain I could if it had been possible to have got back to Philada. have obtained Money to answer the Demand in some way or other in the present Situation all I have been able to do has been to insist on the other two Gentlemens paying up their respective Ballances which will amount to a considerable part of the Sum—my own I have no other way of providing for, but by a Sale of Certificates, which I will send on for the purpose by tomorrows Post or the next day at farthest unless Council should be pleased to allow me to place them as a deposit in your hands for farther assurance and grant some farther time for the collection of our Debts, which I have requested. Should that not be complied with, which I flatter myself with, from the reasonableness of things and that I cannot suppose they would hurl destruction on the Head of any Man, where there has been no Crime, and the delay has arisen, in a great measure at least, from unavoidable Circumstances, attending the manner of conducting the Business—which was not introduced by me, and to which I have not been able to apply a Remedy. I have only to request that you will not issue process until my certificate gets to hand—that can be turned into Money in a few Hours, tho' to my very great Injury but the loss of Money is a trifle in my Eyes, compared to the loss of Reputation. There is a probability that Congress will remove to Philada., but should that not happen, I suppose my presence may be dispensed with for a short time, but I can take no steps about it until I hear from Philada. which I expected by last post, and anxiously look for by the next.

I Am, Sir, Your most obedient Servant, Ar. St. Clair²

RC (PHi: Dreer Collection).

¹ For the context of this letter, see St. Clair to Nicholson, January 30, note, and the following entry.

² Coincidentally, St. Clair's account with Pennsylvania "for his Service in Congress from the 15th day of Jany. to the 15th day of March inclusive, 60 days at 6 Dollars per day," was "Ex[amine]d & settled" by comptroller general Nicholson this day. Gratz Collection, PHi.

Arthur St. Clair to the Pennsylvania Council

Sir

New York March 19th. 1787

Having seen a resolution of Council requiring all Officers who have public Monies in their hands forthwith to pay up their respective Balances;¹ and in case of failure that they be displaced, and the Comptroler proceed against them for the recovery of them, I find myself unfortunately in a Situation to be included in the number of those who may be considered as delinquent, and consequently exposed to

the Operation of that Resolution; and tomorrow is the utmost period to which the Comptroler has consented to extend any Delay. I would entreat Council to consider that I am not exactly in the same situation with other Officers concerned in the collection of the public Revenue—with those the Monies come directly into their hands without any Risque—with me they do not—from the manner in which the Business of the vendue Office has been conducted, which I did not introduce, and have not been able to remedy, I am obliged to give Credit, not only for the State Duties, but for the value of the property disposed of, and to make advances of my own Monies to the proprietors and collect it again sometimes with great loss, always at a risque, and at a very heavy Expence. That the Reason of my being at present so far behind is the large outstanding Debts, which, with all the Industry that could be used, I have not been able to get in. That however, I do expect that on the Day a considerable part of the Ballance will be paid off. That the remedy the State has against me is a summary One, whereas against my Debtors, where obliged to bring Suits, I must wait all the Delays that legal forms allow, if they please to avail themselves of them; and in the present situation of Things, there are few that will not avail themselves of them, which does not put me upon an equal footing. That the consequence of a Suit will probably be ruin to me and my Family, which I flatter myself, indeed I am confident, it would give pain to Council to bring upon any Man where there was no Crime. I beg Council farther to consider that so far from being a lucrative Office, the City Vendue has never, since it has been in my Hands, maintained my Family, and that for some time past it actually has not paid the Expences. I persuade myself it was their Intention to confer a favour when they appointed me to the Office, and I have ever cherished the most grateful Sentiments; but at this Moment a rigorous Exertion of the Ballance I owe, would convert it into the most cruel Injury, involving, with the loss of Credit, the Destruction of a large Family, the principal part of whose provision has been swept away by the Expences that attended the Station I held in the prosecution of the Revolution, and the Depreciation of the Money. I entreat Council farther to consider that the State runs no risque of finally losing the Debt, because they have ample Security, for a much larger Sum—but should any Doubt be entertained on that Head, I will deposit in the Hands of the Comptroler public Securities to a much greater amount. It is peculiarly unfortunate that at this time I am confined to this City, if I could be only a few Days at Philada. I have reason to believe I could accomplish the payment, at least do something towards it from my own Funds, which I certainly would tho' at a great loss, there is however a probability that I shall soon be able to go there. In the mean time some farther indulgence in point of time would be of infinite Service,² and I have to request Council that they will be pleased to give Directions to the

Comptroler accordingly which will be most gratefully acknowledged by,
 Sir, Your most obedient, humble servant, Ar. St. Clair

RC (PHi: Gratz Collection). *Pa. Archives*, 1st ser. 11:127–28.

¹ See *Pa. Council Minutes*, 15:168–69; and St. Clair to John Nicholson, January 30, note.

² The details of St. Clair's fate are not known, but notwithstanding this appeal the Council removed him from his position as "Auctioneer for the city of Philadelphia" on April 13. *Pa. Council Minutes*, 15:183, 197.

James Madison's Notes of Debates

Teusday March 20 [1787]

Mr. Jay's Report on Treaty of peace taken up.¹

Mr. Yates objected to the 1st Resoln. which declares the Treaty to be a law of the land.² He said the States or at least his State did not admit it to be such till cloathed with legal sanction. At his request he was furnished with a copy of the Resolution for the purpose of consulting such as he might chuse.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:326.

¹ For John Jay's lengthy report of October 13, 1786, see *JCC*, 31:781–874.

² Jay had proposed three resolutions at the close of his report, the first of which specified "That the Legislatures of the several States cannot of right pass any Act or Acts for interpreting, explaining or construing a National treaty, or any part or Clause of it; nor for restraining, limiting or in any manner impeding, retarding or counteracting the operation or execution of the same; for that on being constitutionally made, ratified and published, they become, in virtue of the Confederation, part of the law of the land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them." See *ibid.*, pp. 869–70; and Charles Thomson to the States, April 13.

North Carolina Delegates to John Gray Blount

Dear Sir,

[New] York March 20th 1787

We this day forward by Post in the Washington Mail, Articles of Agreement entered into between the Delegates in Congress from No. Carolina & Constable, Rucker & Co for the sale and Purchase of the Public Tobacco together with Copies of all the Letters that the Delegation have written or received respecting the said Tobacco,¹ the whole making a large Package and is addressed to your C[are]. As the Time comm[ences] in thir[ty d]ays from the date of [the] Contract (say from the 16th Instant) for the Delivery of the Tobacco, We request that you will forward the said Packett to the Governor by Express without delay, who will pay the Express the Price you may agree for on the Delivery of the Packet. We are with much esteem

RC (Nc—Ar: Blount Papers). In the hand of William Blount, signatures (William Blount and Benjamin Hawkins) clipped.

¹ The tobacco contract signed with Constable, Rucker & Co. is in *N.C. State Records*, 20:639–41. The remaining enclosures cannot be precisely identified, but for the letters in this volume concerned with the sale of North Carolina's public tobacco, see the North Carolina delegates' letters of February 24, March 1 and 19, and April 18; and William Blount's letters of January 12 and 28, February 10, March 12 and 14, and April 5 and 18.

James M. Varnum to Benjamin Bourne

Sir,

New York 20th March 1787.

Your obliging letter of the 4th, instant I received by Capt. Tillinghast, who was six days on his way. Nothing particular has occurred since my second,¹ saying that Congress will very soon announce an Ordinance respecting the Treaty of peace with Great Britain, which will express the rights of the United States, & the nullity of all Legislative acts of particular or individual States that may immediately or consequentially tend to operate upon the positive Articles contained in that treaty.² "That it is the law of the land," supereminent &c. & therefore must be considered judicially, & enforced upon the ninth and thirteenth of the Articles of Confederation. As this Ordinance will be tendered to Great Britain as a full compliance, & in answer to her complaints of Fractions, the United States must enforce it practically, or loose the advantages of a declared sovereignty on the part of Great Britain. This is just, serious, important, necessary and inevitable. Consider then the dreadful ruin consequent upon a tender of paper for past Contracts, to those creditors at home, who are Debtors abroad, upon a compliance, without altering the emitting System! And should the Courts refuse, or the legislative Acts intervene, Reprisals upon the State refusing will be the Necessary consequences.

I wrote, a few days since, to Mr. Manning,³ more particulars than in my last letter to you, to him be pleased to be referred. Our want of representation is hazardous to the State. At present, I am able to manage matters well for her; but shall not continue long in my present situation. I am anxious to hear of the last proceedings of the General assembly—Then I shall decide according to their policy. For I will not be here alone. My letters to the Governor were calculated to produce wise measures, but if they have not met with a proper return, my part is decided. For, I assure you, that I feel so perfectly inde[pe]ndent of them, that I will not persist in rendering good offices without a correspondent return. My expenditures are great, being connected with characters of enlarged minds, whose way of life is necessarily with the first. I will never therefore consider my resources, 'till they put me in mind of a departure from the place, not from my station.

Probably you will not hear from me again 'till you may see me. Perhaps I should go southward from this. At all events I shall see you but for a short time. God bless you, your family and friends. If my dear little woman is at Providence, tell her I have written to her by this Conveyance,³ and have expressed every feeling of my heart, exclusive of those delightful agonies which attend an actual reciprocation of affections.

Your friend & brother,

J. M. Varnum

P.S. You must not mention, in a public way, any thing about the Ordinance concerning the treaty of peace, untill it becomes pub[li]c by authority.

JMV.

RC (RHi: Varnum Papers).

¹ Only Varnum's February 21 letter to Bourne has been found.

² See Charles Thomson to the States, April 13.

³ Not found.

William Bingham to Congress

Sir,

New York, Wednesday, March 21. 1787

In Consequence of Arrangements made with the Government of Martinico, for the Reimbursement of Advances made to me, during my Residence in that Island, it becomes necessary to transfer, on the Books of the Treasury, a Ballance to the Credit of that Account.

As a particular Mode of certifying the Evidence of this Debt is required, I respectfully Solicit, that the Comptroller may be authorized by Congress to grant Such a Certificate as may be agreeable to the French Government.¹

I have the honor to be with the greatest Respect, Your Excellency's most obed hble serv,

Wm Bingham

RC (DNA: PCC, item 78).

¹ Bingham's letter was referred this day to the board of treasury which apparently immediately asked him for additional information, which he furnished the next day. See Bingham's Statement, March 22. The board's March 24 report, which was read in Congress March 26, recommended against Bingham's claim, noting "That the Balance stated to be due to the Government of the Island of Martinico, has been included in Mr. Bingham's Public Accounts, and discharged by the United States, who are therefore, in no wise responsible for the same." No formal congressional action on the board's report is recorded in the journals. See JCC, 32:126n, 134-35, 33:743; and PCC, item 138, 1:119-20. For Bingham's accounts as agent at Martinique, see also these *Letters*, 14:481, 15:370, 379, 17:174-75, 380, 18:299-300, 19:736, 21:50-51.

James Madison's Notes of Debates

Wednesday Mar. 21. [1787]

The subject of yesterday Resumed.

Mr. Yates was now satisfied with the Resolutions as they stood. The words, "constitutionally made" as applied to the Treaty seemed to him on consideration to qualify sufficiently the doctrine on which the Resolution was founded.¹

The 1st Resolution declaring the Treaty to have the force of a law & denying the Right of any State to contravene it was agreed without dissent & almost without observation.

The 2d & 3d Resolutions urging on the States a repeal of all laws contravening the Treaty, 1st. that they might not continue to *operate*, as violations of it. 2d. that questions might be avoided touching their validity—underwent some criticisms & discussions.²

Mr. Varnum & Mr. Mitchel thought they did not consist with the first which declared such laws to be void, in which case they cd. not *operate* as violations.

Mr. [Madison]³ observed that a Repeal of those contravening laws was expedient & even necessary to free the Courts from the bias of their oaths which bound the Judges more strongly to the State than the federal authority. A distinction too he said might be started possibly between laws prior & laws subsequent to the Treaty: a Repealing effect of the Treaty on the former, not necessarily implying the nullity of the latter. Supposing the Treaty to have the validity of a law *only*, it would repeal all antecedent laws. To render succeeding laws void, it must have more than the *mere* authority of a *law*. In case these succeeding laws contrary to the Treaty should come into discussion before the Courts, it would be necessary to examine the foundation of the federal authority, and to determine whether it had the validity of a Constitution, paramount to the legislative authority in each State. This was a delicate question, and studiously to be avoided as it was notorious that although in some of the States the Confederation was incorporated with & had the sanction of their respective Constitutions, yet in others it recd. a legislative ratification only and rested on no other basis. He admitted however that the word *operate* might be changed for the better & proposed in its place, the words "be regarded" as violations of the Treaty which was agreed to without objection.

Mr. King in the course of the business observed that a question had been raised in N. York, (*how ever*) whether stipulations as they might affect Citizens only—and not foreigners could restrain the States

from legislating with respect to the former, and supposed that such stipulations could not.

The Resolutions passed unanimously.⁴

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:326–27.

¹ See Madison's Notes of Debates, March 20.

² For these proposed resolutions from John Jay's report on treaty violations, see *JCC*, 31:870.

³ Madison later inserted "Madison."

⁴ The resolutions adopted were identical to those proposed by Jay except for the change in the second resolution of the phrase "continuing to operate as violations of that treaty" to "continuing to be regarded as violations of that treaty" suggested by Madison. Cf. *JCC*, 31:869–70; 32:124–25.

Immediately following this entry Madison wrote: "Nothing till Friday Mar. 23d."

North Carolina Delegates to Richard Caswell

Dear Sir,

New York the 21st. Mar[ch 17]87

We enclose to your Excellen[cy a letter] which we yesterday received from the Vice Consul general of France¹ and we wish sincerely that some efficient means could be found for the discharge of the debt, due to the Navy department of France. If we could think of any within the reach of your Excellency we should have promised positively: But instead thereof, we have assured Mr. de la Forest that we would transmit his letter, and that he might count with certainty on such assurances as you would give.

We have the honor to be, Dear Sir, Yr. Excellency's most obt & humble servts.,

Wm. Blount

Benjamin Hawkins²

RC (Nc-Ar: Blount Papers). In a clerical hand and signed by Blount and Hawkins.

¹ This March 19 enclosure from the French consul general La Forest is in Blount, *Papers* (Keith), pp. 269–70. For the nature of the debt referred to in La Forest's letter, see these *Letters*, 21:500n.2.

² Hawkins enclosed this letter with the following brief cover letter to John Gray Blount this day. "Dear Sir, I send you enclosed in a letter to the Governour, which you will please to read and then send forward to him.

"You will see in the news-papers proofs of their uninterestedness, and I have only to add, all information here is of a peace with them." Blount Papers, Nc-Ar.

William Bingham's Statement

Thursday, March 22 1787¹

During my Residence in Martinico, as political & Commercial Agent of the United States, I was under the Necessity of making sev-

eral Applications to the Government of the Island, for Advances of Money to defray the Expences of that Department.

I became personally answerable for a Part of them, & as the Government had no Authority to make these Loans, I engaged to blend their Claims with my own, in my general Account of Demands against the United States, & be responsible to them for the Proportion I might recover.

I mentioned this Arrangement to the Committee of Congress who had the Settlement of my Accounts, & with their Approbation inserted the Amount of the Supplies of the French Government, which were precisely of the Same Nature as those I had myself made in Martinico, & in different Parts of the United States.

In Consequence of Applications made to Congress & the Superintendent of Finance, I received Several Sums on Account of my Demands, the principal Part of which was paid to me a Short Time before my Departure for Europe, in Bills of Exchange. I transmitted them to France, & on my Arrival, found that they had been accepted & paid.

I applied to the Marquis de Bouillé who had been Governor of Martinico, at the Time the Advances were made to me, to know with whom I Should account for what was recovered for the French Government. He gave me a Letter to the Marechal de Castries, to whose Department this Transaction belonged, & who had received from Mons. de Marbois a particular Specification of the Sums paid to me on that Account. The Marechal referred me to Mons Dufresne, the Intendant of the Revenues of the Marine, with whom I made a Settlement, after exhibiting a State of the Account, & which by his Letter, appears was approved of, by the Marechal de Castries.

It was effected by drawing Bills of Exchange, payable at Martinico for a part, & giving an Obligation to procure a Credit on the Books of the Treasury for the Ballance, in favor of the Government.

In complying with my Engagement in the Transfer of this Credit, it will be expedient to change the Form of the Certificate that evidences the Claim, & make the Amount payable in France, as I am informed this would be more agreeable to the French Government.

As their Arrangement can involve no possible Consequences prejudicial to the Interests of the United States, (as all its Engagements are equally binding) it is expected there can be no Objection, especially as there are Several Precedents of its having been done, even in favor of Individuals.

The Inducement must be much Stronger in favor of a Government, to whom we are under Such obligations.

A Refusal might not only be deemed invidious, but would be attended with Inferences of an inauspicious Nature, as affecting the Credit of the Domestic Debt, & would reasonably alarm the numerous

Class of French & other Creditors, who are on this Establishment, and would indicate a Kind of Dereliction of the domestic Claims.

Wm Bingham

MS (PHi: Gratz Collection). In the hand of William Bingham. Tr (DNA: PCC, item 78). "Copy" in a clerical hand.

¹ This statement was undoubtedly submitted in response to a board of treasury request for additional information on a claim from Bingham that was referred to the board the previous day, for which see William Bingham to Congress, March 21.

Roger Alden to Jonathan Trumbull, Jr.

Dear sir

New York. March 23d. 1787.

I recd Your letters by Mr. Little—and shall forward the one to Your Brother¹ by a Vessel that sails for London on Sunday next. Miss Wadsworth left town last week, which deprives me of the pleasure of receiving postage upon the one addressed to her—a former letter enclosed one for Mr Cushman which was sent by the Charleston packet.

I cannot flatter You with any hopes, for the final success of Your application to Congress.² Matters of Justice or generosity are not the subjects of deliberation. The question now is can the Government any longer exist? Where are the supplies by which it is to be supported? In this melancholy dilemma—in so critical a situation, we have more reason to fear worse, than hope for better times.

A reduction of the civil list [list] has been a long time on the carpet, & I think will take place previous to the commencement of the next Quarter. As far it respects me, I May lament the occasion, but I will endeavor so far to lessen my expences as not to be distressed by the defalcation.³ I wish it was more the object of people in public or private stations, to find out the art of living frugally—but so different are their wishes, that all are pursuing new pleasures and wrecking their brains to discover more methods for Amusement or dissipation.

A majority of the States have appointed Delegates to meet in Convention at Philadelphia in May next. It is very probable that Congress will adjourn very soon for a few weeks, as many of the Members are elected—but whether I shall enjoy the pleasure of a recess is uncertain. If a Committee of the States remain, it will be my business to attend, and will prevent me from making so early a visit as I should wish.

Payments on the civil list have been very punctual since the peace—but I feel a little anxious about the present Quota. which becomes *due* the first of April—if it fails, *we small ones*, shall be compelled to taste the sweets of the Country from necessity—and no mortification to me—for the pleasures of the country are more to my liking, than those of a dissipated city. But I can make myself contented, wherever I

find business enough to support me agreeably. Please to remember me with affection to Your family & be assured of the sincere friendship of Your Humble servant,

R Alden

RC (CtHi: Trumbull Papers).

¹ John Trumbull (1756–1843), who was studying painting in London. *DAB*.

² An August 4, 1785, petition from Trumbull had been referred on August 9 to a committee which referred it on September 20 to the board of treasury, which reported November 30, 1785. Trumbull was seeking interest and principal on “about four Years in Arrear of his Pay,” as well as payment for a certificate issued to him as “Commissioner for settling the accounts of the late Commissary General [Joseph] Trumbull.” No action was taken on the former appeal, but Congress eventually ordered payment of \$1,752 to him for the latter, July 28, 1788. See *PCC*, item 41, 10:239–44; and *JCC*, 29:619, 622n, 725n, 892–93, 34:352n, 357–58, 360.

³ In the general reduction of the civil list adopted by Congress this day, deputy secretary Alden’s annual salary was reduced from \$1,000 to \$800. *JCC*, 32:129.

James Madison’s Notes of Debates

Friday Mar. 23d [1787].

The Report for reducing salaries agreed to as amended Unanimously.¹ The proposition for reducing the salary of the Secretary of F. Affairs to 3000 dollars was opposed by Mr. King & Mr. [Madison]² who entered into the peculiar duties & qualifications required in that office, and its peculiar importance. Mr. Mitchel & Mr. Varnum contended that it stood on a level with the Secretaryship to Congress. The yeas & nays were called on the question, & it was lost. A motion was then made to reduce the Salary of 4000 dollrs. to 3500. Mr. Clarke who had been an opponent to any³ reduction, acceded to this Compromise. Mr. King suffered his Colleague to vote in the affirmative. There being six States for reducing to 3500, and Mr. Carrington being on the same side in opposition to Mr. Grayson, Mr. M[adison] gave up his opinion to so great a majority, and the Resolution for 3500 passed. The preceding yeas & nays on the motion for reducing to 3000 was then withdrawn & no entry made of it. It seemed to be the general opinion that the Salary of the Secretary at war was disproportionately low, & ought to be raised.⁴ The Committee would have reported an augmentation, But conceived themselves restrained by their commission wh. was to *reduce* not to revise the civil list.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:331.

¹ The committee on the reduction of the civil list, which had been renewed yet again on February 12 with Madison as a member, had reported March 22 and its report was entered on the journal this day, for which see *JCC*, 29:564n, 30:115n.2, 418n, 31:667n, 32:42n, 127n.2, 128–31. The committee was renewed again August 2, specifically to consider treasury department salaries, and rendered its report August 9. *JCC*, 33:453n.2, 481–82.

² Madison later inserted “Madison.”

³ Madison had written "advocate for" but struck it out and interlined "opponent to any."

⁴ The salary had originally been set at \$2,450 per annum, for which see *JCC*, 28:115.

⁵ Immediately following this entry Madison wrote "Nothing of consequence till March 28th—Wednesday."

James M. Varnum to Catharine Greene

Madam,

Newyork 24th March 1787

I had the very great pleasure of writing to you, a very few days since,¹ (& which you will probably receive with this) in the terms of sensibility. Perhaps this sudden change of manner, may induce you to think, I am fickle. Do not think so. Whatever I then excluded from the subjects of my epistolary Ideas, could not include [any]thing connected with your interest. For, altho' dry politicks may not be consistent with the pleasures of imagination, yet the management of revenue and finance is necessary to that quiet and ease, which affords scope to the most charming fancy. — Sans cërèmonie, then.

Mr. Charles Pinkney, who wishes to be mentioned to you with great respect, informed me, this day, that he had received a Bill of exchange from Mr. Edward Rutledge, drawn upon a house in this city in funds of Mr. Pinkney, for your use, & for the sum of five hundred and fourteen Pounds newyork currency. This Bill is accepted, payable in forty days. Mr. Pinkney has written to Colo. Wadsworth, giving him the information: But he tells me, that his instructions are to pay the contents to your appointee, and requested me to communicate the matter to you.

Upon knowing this matter, I went to the first Character here in money matters, Major Platt, who is your friend. I now mention to you that the exchange between the paper of this state and real cash is three per Cent; That one per Cent would be demanded for discounting the Bill in paper to be paid in ten days from this date. Major Platt will, in a most friendly manner, pay the real cash in seventy five days from the time of the Bills being payable in paper, at par. Th[e terms] of nag[ocia]tion will benefit you more than two per Cent upon the plainest calculation. The Major says he will make some advances sooner, if necessary; Or lend his Credit, which is perfect Colo Wadsworth knows him. It will be necessary for you to appoint some person to receive the Amount of this bill from Mr. Pinkney. If you should not wait for Colo Wadsworths particular advice, I recommend to you to direct an Order to Mr Pink[n]ey in favor of Mr. Ray[...].d, who is a young Gentleman in good credit here, sensible, honest and punctual. I will form the negotiations influentially, tho' he will, I am certain, be happy in doing the remainder; but if you should prefer any other plan, I will lend my utmost aid to be of service to you. Remember this, that if you transfer the amount of this Bill to any person,

he must account with you for the whole sum in actual specie at a discount of no more than one and an half per cent—for Platt will take all the risque upon himself. I repeat it, he would not do business in this way but to oblige you; as paper payments are slow here compared to specie payments, which are checked by the Bank.

No doubt but the funds upon which this bill was drawn will account with Mr. Rutledge, & so with you, for the par of Exchange in the mode of payment, being in [pape]r, at three per cent, so that you may [gain?] instead of loosing upon the whole.

As I am now upon the topic of business, permit me to assure you that I have taken a most serious part in a matter which is much more interesting to you than the foregoing detail. Upon this head, I have conversed pretty fully with Colo. Wadsworth, & have written to him upon the subject. The Project we have agreed upon is very practicable; the only thing that grieves me is that it may not be ripe for execution, while I shall have it in my power in Congress, to convince you how much I am ever devoted to your happiness.

God bless you, my dearest friend, & permit me in the felicity of being, most devotedly, your very obedt. & most humble servant,

J M Varnum

RC (CSmH: HM 8153). Addressed: "Mrs. Caty Greene, East Greenwich."

¹ Not found.

Rufus King to Elbridge Gerry

My Dr. Friend,

New York 25. March 1787

My opinion relative to our friend in the Treasury Board¹ was well founded, there is no probability of a vacancy there; & at present I see nothing sufficiently valueable to mention to you. Congress have it in contemplation, or more accurately speaking, many Gentlemen appear to be impressed with the propriety of a project to establish a board with very extensive powers finally to settle the accounts between the States. Should the States unite in this measure, the characters will necessarily be of the first rank, and consequence; and I am confident that you would be thought of, provided you could be obtained. Some Time since congress determined to erect a board; but as the powers did not exceed those wh. the late commissioners possessed, the plan has been objected to, and is now under consideration with a view of establishing something, which will be more decisive and expeditious.² I am persuaded that on this, and every other subject, in which you can have any interest, that you will not doubt the sincerity of my disposition to unite with your wishes, and to exert myself for their accomplishment. I therefore intreat you to suggest to me any Ideas which you may entertain on

this subject, at the same Time assuring you, that you can do it with all the confidence of the most inviolable Freindship.

I yesterday eat Fish with Mr. Thompson together with Doctr. Johnson & Mr. Harrison; Col Hamilton was to have been with us, but something I presume of consequence detained him. Miss Helen did the honors of the Table with great propriety. We spent some hours after Dinner in examining the Bills & answers in Mr. Thompson's Chancery suits—and on the whole, the Gentlemen seemed to unite in Opinion that the suits stand well in favor of the Complainants; several articles charged in the Bill for the recovery of Mr. Thompsons paternal fortune, although not very material, are completely answered by the other party—but the most essential, and indeed the only important Charges of the Bill remain, in my Judgment, unsatisfactorily answered. I think each of the Gentlemen is with me, in this Opinion.

There has been much Time already consumed and no decree; I think it is not improbable that considerable Time must yet elapse before final decree with safety be urged in the Bill for the paternal Fortune. Exception must be formed to some of the answers in order to draw out a more complete view than at present is exhibited. I was pleased with Mr. Harrison and he appears to me to understand and to be well disposed in the cause. You informed me some Time since of the unfortunate situation of Mr Dana—pray tell me, is he in a way of a complete recovery? I think that misfortune is not only a severe private one, but a real and important cause of public concern. Will Mr Strong attend the convention, if Mr. Dana does not, who will be appointed in his place? How goes Electioneering? Hancock has written a Letter to Knox informing him that he shall be here shortly and requests him to procure him Lodgings. What is the meaning of this movement? Farewel, R King³

RC (NHi: King Papers).

¹ That is, treasury commissioner Samuel Osgood.

² The ordinance adopted October 13, 1786, for settling "all Accounts between the United States and individual States" had failed to advance the work substantially, and King, along with Lambert Cadwalader, Abraham Clark, James Madison, and Charles Pinckney, had been appointed February 15 to a committee charged with planning the ordinance's repeal. The committee did little beyond submitting a motion, which was adopted on March 29, charging the board of treasury with preparation of a new ordinance. The board's new plan, which was reported April 18, was adopted May 7. See *JCC*, 32:60n, 141, 206–9, 258–66; and *PCC*, item 19, fol. 137.

³ King also wrote the following brief letter to Gerry on March 16.

"Permit me to make you and your amiable Mrs. Gerry acquainted with the bearer Mr. Bleecker; he will pass some short Time in Boston, and I should be sorry that he should return without seeing you at Cambridge. His agreeable manners & Conversation will recommend him more forcibly than any words I can make use of." King Papers, NHi.

Rufus King to Daniel Kilham

Dr. Kilham,

New York 25. Mar. 1787

It is a long Time since I have heard any thing from you. Permit me to enquire of you how the public Opinion stands relative to the measures of Government in the suppression of the Rebellion? How goes Electioneering?¹ Men and measures are now very intimately united. Displace men, & You disapprove measures such men supported.

Farewel,

R King

RC (NNC: King Collection).

¹ Kilham drafted his reply to King on the verso of this letter. "You will perceive by the new Elections," he observed, "that the public are dissatisfied & very unhappy & so long as the people remain their own governors & mistake the cause of their misfortunes they must continue so. In this County [*Essex*] there will be almost a total change of senators . . . There will undoubtedly be as great changes in the house but what they will be is yet too early to determine. Many draw the most unfavorable conclusions from those circumstances. I do not. If the people are pleased with their governors they will more patiently submit to the government. And it is essential that a free people should *(be satisfied with)* have a confidence of their Rulers."

James Madison to Edmund Randolph

Sir

New York Mar. 25. 1787.

Since my last the Delegation has received your Excellency's two favors of the 16th ult. and the 8th inst.¹ The anonymous paper inclosed in the former certainly merits serious attention, and will be communicated to Congress.²

The Report of Mr. Jay on the Note of Mr. Van Berkel has not yet received a decision. The subject of it involves several nice questions which require an accurate attention as well to the federal Constitution as to the Commercial Treaty with Holland.³

Congress have within the course of the past week been investigating the savings which might be derived from an oeconomical revision of the Civil list, and have made reductions of salaries to the amount of about 20,000 dollars. It is proposed to extend the reform to the abolition of such offices as are not indispensable. The Act which has already past shall be forwarded by the next mail.⁴

The proposition made in the Legislature of this State for renouncing its pretensions with respect to Vermont, seems to meet with obstacles. No definitive question however has yet been taken.⁵ I have the honor to be Yr. Excellcy's Most Obedt & hble Servt,

Js. Madison Jr

RC (PP: Carson Collection); reprinted from Madison, *Papers* (Rutland), 9:333.

¹ The Virginia delegates had actually received a letter from Randolph of March 10 enclosing one of February 16th to Randolph from Arthur Campbell, for which see *ibid.*, note 1.

² In his February 16 letter to Randolph, Arthur Campbell had enclosed "an anonymous exhortation" relating to the proposed state of Franklin, a copy of which the governor sent to the delegates with his letter of March 10. They submitted this "Letter from a Gentleman at the falls of Ohio, to his friend in New England, dated December 4th. 1786," and seven other papers from Randolph relating to George Rogers Clark's conduct at Vincennes, to Congress on March 28. The letter was copied into the secret journals as part of Jay's report. See *JCC*, 32:189, 197-99; and Madison, *Papers* (Rutland), 9:303-5. See also Charles Thomson to Randolph, April 30, note 1.

³ See Virginia Delegates to Randolph, March 5, note 1.

⁴ See Madison's Notes of Debates, March 23, note 1; and Charles Thomson to the States, March 31.

⁵ See Nathan Dane to Thomas Dwight, March 12, note 2.

James Madison to Edmund Randolph

My dear Sir

New York Mar. 25. 1787

I have had the pleasure of your two favors of the 1 & 7 instant.¹ The refusal of Mr. Henry to join in the task of revising the Confederation is ominous; and the more so I fear if he means to be governed by the event which you conjecture. There seems to be little hope at present of being able to quash the proceedings relative to the affair² which is so obnoxious to him; tho' on the other hand there is reason to believe that they will never reach the object at which they aimed.

Congress have not changed the day for meeting at Philada. as you imagine. The Act of Va. I find has done so in substituting the 2d *day* for the 2d *Monday* in May, the time recommended from Annapolis.³

I can not suppose that Mr. Otto has equivocated in his explanation to the public, touching the Floridas.⁴ Nothing on that subject has been mentioned here as far as I know. Supposing the exchange in question to have really been intended I do not see the inference to be unfavorable to France. Her views as they occur to me would most probably be, to conciliate the Western people in common with the Atlantic States, and to extend her commerce, by reversing the Spanish policy. I have always wished to see the Misspi. in the hands of France or of any Nation which would be more liberally disposed than the present holders of it.

Mr Jay's Report on the Treaty of peace has at length been decided on. It Resolves & declares that the Treaty having been constitutionally formed is the law of the land, and urges a repeal of all laws contravening it, as well to stop the complaints of their existing as legal impediments, as to avoid needless questions touching their validity. Mr. Jay is preparing a circular address to accompany the Resolutions, & the latter will not be forwarded till the former is ready.⁵

FC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:331–32.

¹ For which see *ibid.*, pp. 301, 303–4.

² At this point in the manuscript, Madison later inserted an asterisk to which he keyed the following clarification: "Jay's project for shutting the Mississippi for 25 years."

³ See Hening, *Statutes*, 12:256.

⁴ See William Blount to Richard Caswell, January 28, note 6.

⁵ See Madison's Notes of Debates, March 20 and 21. For John Jay's "circular address," see Charles Thomson to the States, April 13.

Lambert Cadwalader to Samuel Meredith

Dr Meredith¹

N York 27 March 1787.

Yours of the 19 with the Inclosures I have recd.—the latter were immediately sent to Mrs Bibbi & Miss Kemble. Tell Miss M——ll I shall always be happy to receive her Commands wh shall be executed with as much Punctuality as any State Affair whatever.

On Friday last we reduced the Expences of the civil List. The Expences of the Presidt. are limited to 8,000 Dllrs, includg every thing even the Salaries of his private Secretary & Steward. Jay's is cut down to 3500 from 4000, Thompsons is lowerd 400. The Commissrs. of the Treasury 2000 each & the Clerks in the several Offices are all reduced &c so that the Savings will be 25,000 Dllrs per Ann. at least.²

Bingham & Irwin will leave Congress in a few Days. I think it probable that Congress will shortly adjourn to some Time in the Summer—but if a certain Point cannot be carrd. it will be postponed for some Time with a View of effecting the Measure. I shall go Home in a few Days &, after staying to arrange my Business set out for Dagworthy's Estate. I am afraid I shall lose my Head-Man on the Farm, Sam. At any Rate he will be unfit for Service for some Time and I must request the Favor of you to look out for a good Plowman for me—if you should meet with such a one, an honest industrious Fellow let me know & the Wages he asks per month & I will send you an Answer. The Season approaches fast & my Time will not be long at Trenton.

My Love to Peggy the Childrn & my mother's Family & compts. to Messrs Clymer & Fitzsimmons. Danbury, the bondsman, McKerchen, Fish & Jones desire their Compts. Yours &c, LC

[P.S.] Inclosed you have declaratory Resolutions of Congress relative to the exclusive Right of this Body to explain, interpret or construe a national Treaty & proposing the Repeal of the obnoxious Acts in the sev[era]l States relative to the Treaties we have enter'd into with foreign.³ These Resolutions are Consequences drawn from very elaborate Reasonings in Jay's Report on Lord Caermarthen's Letter relative to Infractions of the late Treaty of Peace with G Britain.

Mr Jay had submitted some farther Resolutions on this Subject to the Considin of Congress which were for particular Reasons returnd to him to be combined with other necessary Business on this Head. One of these Resolutions proposes that the western Posts now in the Hands of the British Troops shall be given up as soon as the obnoxious Acts are repealed.⁴ I'm sincerely rejoiced that the first mentd. Resolves have passed the House as it may lead to an uniformity of Conduct in the sevl States relative to Treaties with foreign Powers.

RC (PHi: Dreer Collection).

¹ Samuel Meredith has been identified in these *Letters*, 15:280.

² See *JCC*, 32:128–30.

³ See *JCC*, 124–25. For the April 13 adoption of a circular letter to the states to accompany these March 21 resolves, see Charles Thomson to the States, April 13.

⁴ For the section of Jay's long October 13, 1786, report containing this proposed resolution, see *JCC*, 31:869–71.

Lambert Cadwalader to Charles Stewart

Dear Stewart

N York 27 March 1787.

I have been here since the middle of January with Clark & Schuerman.¹ After a great deal of Time having elapsed since the Convention at Annapolis we have at length agreed to recommend to the several States of the Union to send Delegates to the proposed Convention wh. is to meet in May at Philada. I have had no small Share in this Measure having urged it in the strongest Manner upon the Eastern Members who were at first averse to it—but Massachusetts having at last acceded the others will follow. I cannot sit still & see a Dissolution of the Confederacy without making an Effort to save it from Anarchy & Ruin. How far the Measure in Question may prevent it I am not Prophet enough to say—in it however we have some Chance—but if we leave our Affairs to go to Pieces, silently acquiescing in the Consequences wh. must ensue it will in my Idea be criminal in the highest Degree.

A Spirit of Economy prevails at present in Congress to so great a Degree that we have proceeded to a Reduction of the Civil List Expences & in the Course of the Business limited the Presidents Expences to 8,000 Dllrs per Annum., lowerd Jay to 3,500 from 4000; Thompson to 2,600 & reduced the Commissrs of the Treasury to 2000 each besides cutting down those of the other Departments (except the Secretary of War) & the numerous Train of Clerks &c &c. The Savings will be above 20,000 Dllrs per Ann.²

If you see the Wintersteins on my Land at Pawlins Hill pray desire them to pay their Rents. Mr Conyngham tells me you are to be in Sussex with him.

Adieu & beleive me sincerely yours,

L Cadwallader

[P.S.] Danbury & Fish desire their best Compts to you.

RC (MH-H: bMS Am 1243).

¹ According to the journals, Cadwalader took his seat January 22. *JCC*, 32:9.

² See *JCC*, 32:128–30.

Massachusetts Delegates to James Bowdoin

Sir

New-York 27. March 1787

By the resolution of the General Court of the 8th day of March we are directed to move congress for a resolve that any advances that are, or may be, made by Massachusetts for raising, cloathing, & subsisting of the federal Troops should be credited on the requisition of the 27 Apr. 1785.¹ As the state for reasons assigned in the resolution of the 26 Feby. last, has not granted her Quotas of the Requisitions of 1786, any monies which she has *regularly* advanced, or hereafter may advance, will of course be credited on the Requisition of the 27 Apr. 1785. It ought however to be observed, that these advances ought to be made in the manner directed by the Resolutions of Congress. Monies are appropriated for the support of the military Establishment of the united States; and the application of these Monies is the peculiar province of the Board of Treasury, who have the sole authority under Congress to contract for the Cloathing and subsistence of the federal Troops. We are wholly uninformed how the contributions of Massachusetts for the raising & subsisting of her Quota of these Troops have been conducted, and the board of Treasury inform us that they are alike destitute of information. Possibly the state may have advanced monies to, or entered into Engagements with, Col. Jackson on this subject. Such Advances, or Engagements, being unauthorised by the board of Treasury, may, for obvious reasons, hereafter prove the Source of Altercation & Embarrassment between the state & Congress.

We barely suggest these Ideas, being convinced that your Excellency will conduct this Business in a manner that will in no degree involve the State in a controversy with the Union, in consequence of her well meant & virtuous Exertions.

With the highest respect we have the Honor to be your Excellency's
Obt. & very Humble Serts.,

Rufus King

Nathn. Dane

RC (NN: Emmet Collection, no. 9658). Written by King and signed by King and Dane.

¹ King and Dane were responding to Bowdoin's letter to them of March 11, with which he enclosed the General Court resolve at issue here. See *Bowdoin and Temple Papers* (MHS Colls.), pp. 169–70.

Arthur St. Clair to John Wendell

Sir,¹

New York March 27th. 1787

I have now the honor to enclose to you a Letter from Mr. Hornblower which came enclosed to me in consequence of the last I wrote to him² covering yours, and I shall always be happy to embrace any Opportunity of rendering you any Civility in my power.

When convenient for you I should be obliged to you for a short State of the Claims you mention, to property in this Place, for, tho' I know that they are considerable, I am very little acquainted with them, and if I had some Clue, I might while here, obtain some useful Information. Mr. Bayard some time before his Death put into my Hands, a number of Memorandums relative to his Rights, but in the various Movements of my Family, during the Invasions of Pennsylvania, they were unfortunately lost and I have lost the recollection of them. One thing however relative to the property you mention has lately come to my knowledge by mere accident, which it may be proper for you to know, and guard against if it is not well founded. A Mr. J. P. Wendel of Albany has set up a Claim as Heir at Law, being, as he alledges, the immediate descendant of the elder Branch of your Family,³ and is endeavouring to sell his Right, not being in Circumstances to enter into a legal Contest with the present Possessors. I have Reason to think he would be satisfied with a moderate Compensation, and, I am told, wishes to sell to some of the Family.⁴

I should have done myself the pleasure to inform you earlier of that Circumstance, had I not been in daily Expectation of seeing Coll. Long. If he is not yet set out, be so obliging to present him my best Respects and believe me with great Regard, Dear Sir, Your most obedient Servant,

Ar. St. Clair

RC (MH-H: bMS Am 1907). Addressed: "The honble John Wendel Esqr. at Portsmouth."

¹ Wendell (1731-1808) was born and raised in Boston, graduated from Harvard College in 1750, and moved to Portsmouth soon after to engage in trade, but gradually became involved in real estate "and in time he built up a profitable business as a conveyancer and dealer in land." Shipton, *Harvard Graduates*, 12:592, 597.

² St. Clair's letter to Josiah Hornblower has not been found, and nothing on the subject of their correspondence has been discovered beyond the information contained in the present letter.

³ For the Albany roots of the "elder Branch" of the Wendell family, see Shipton, *Harvard Graduates*, 12:218; and James R. Stanwood, "The Direct Ancestry of the Late Jacob Wendell, of Portsmouth, N.H.," *New England Historical and Genealogical Register* 36 (July 1882): 246-50.

⁴ St. Clair returned to this subject in the following letter to Wendell dated "May 20, 1787, N York."

"I have been favoured with your Letter enclosing a geneological Account of your Family, and a Bill on Mr Temple, and have to ask pardon for not replying sooner. I thank you for the Account you have given me, by which it plainly appears there can be

no doubt about the property in which I have some Interest with You, but I have not yet been able find out the Person in whose possession it is. There is a small House erected near where the old Houses stood, but it is at present unoccupied. The whole however is of very little value. That part of the Town improves slowly nor is it likely soon to be better. I will try to get possession peaceably—if that cannot be done I scarce think it worth the Expence and trouble of a Law Suit. I was mistaken in the name of your Albany Relation it is J. W. and not P. Wendall as I wrote you. The property he sets up a Claim to, I am told, is very valuable. Your Bill I presented to Sir John Temple, who replied that he would not pay it, as he did not know that he was any thing indebted to You, and that he had heretofore returned you a similar Answer. He said something of your Claim to money from him being founded on some Attention, it was alledged, you had paid to his Estate in New Hampshire—that he had given that Estate to his Son in Law Mr. Winthrop, who would soon be in that Country—that you might apply to him and if any thing was due (which he did not allow) he would pay it. I now return you the Bill and am, Sir, Your very humble Servant, Ar. St. Clair." Wendell Papers, MH-H.

Charles Thomson to Henry Knox

Sir, Office of Secretary of Congress, March 27th. 1787.

As the enclosed Letter from Mr. Martin late a Commissioner for Indian Affairs in the Southern Department, which I received yesterday, contain interesting intelligence touching the temper and disposition of the Indians and the situation of Indian Affairs which are within your superintendence, I have thought it proper to transmit it to you for your information,¹ and have the honor to be, With great respect,
Sir, Yours &c., C.T.

LB (DNA: PCC, item 18B). Addressed: "Genl. Knox, Secy. at War."

¹ Writing on January 5 from North Carolina, Joseph Martin reported great unrest among the Cherokees over the rapid encroachments on their lands "by the White people from the pretended State of Franklin" in open violation of agreements reached with North Carolina in June 1784. The danger posed was heightened by the fact that the Cherokees, who numbered 2,650 "prime Gunmen . . . Exclusive of Old men & Boys," were being encouraged to resist by neighboring Chickasaw, Choctaw, and Creek Indians, Spanish officials at Mobile and Pensacola, and various "Northward Indians" with whom they were in "Constant Correspondence." See PCC, item 56, fols. 185-88; and JCC, 32:136n.

James Madison's Notes of Debates

March 28th [1787] Wednesday

Mr. King reminded Congs. of the motion on the day of ¹ for discontinuing the inlistments and intimated that the State of things in Massts was at present such that no opposition would now be made by the Delegation of that State. A Committee was appointed, in general

to consider the military: Establishment, and particularly to report a proper Resolution for stopping the enlistments.²

The Virga. delegates laid before Congs. Sundry papers from the Executive of that State relating to the seizure of Spanish property by Genl. Clarke—and the incendiary efforts on foot in the Western Country agst. the Spaniards &c.³ No comment was made on them; nor was any vote taken.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:336–37.

¹ That is, Charles Pinckney's motion of February 14, for which see Madison to Edmund Randolph, February 18, note 5.

² The committee of five to which Madison was appointed this day to consider the suspension of recruitment under the resolution of October 20, 1786, recommended both repeal of the resolution and retention of the troops already enlisted until their terms expired. On April 9 Congress ordered the Massachusetts enlistees to be formed into two artillery companies, but discharged the Connecticut troops then at Springfield. See *JCC*, 32:141n.1, 153–54, 158–60.

³ For these "Sundry papers," which the Virginia delegates had received from Gov. Edmund Randolph in two installments, see *JCC*, 32:189–99; Madison to Randolph (1st letter), March 19, note 1; and Madison to Randolph (1st letter), March 25, note 2.

James Madison's Notes on Debates

Thursday March 29 [1787].

The Committee appd. to confer with the Treasy. board on the great business of a final settlemt. of the accts. of the U. States, reported that they be discharged, and the Board instructed to report an ordinance. Mr. King in explanation sd. that it was the sense of the Committee and of the Treasy. board both, that Commissioners shd. be appointed with full & final powers to decide on the claims of the States agst. the Union &c. The Report was agreed to nem. contr.¹

Sundry papers from the Illinois complaining of the grievances of that Country, which had arrived by a special Express, were laid before Congs by the presidt. and committed.²

Mr. Mitchell from Connecticut observed that the papers from Virga. communicated yesterday were of a very serious nature, and shewed that we were in danger of being precipitated into disputes with Spain which ought to be avoided if possible; & moved that those papers might be referred to the Committee on the Illinois papers, which was done without opposition; Mr. King only observing that they contained mere information, & did not in his view need any step to be taken on them.³

The Virga. delegates communicated to Mr. Guardoqui the proceedings of the Executive relative to Clarke's seizure of Spanish property,⁴ at which he expressed much regret, as a friend to the U.S. though as a Spanish Minister he had little⁵ reason to dread⁶ the tendency of such

outrages. The communication was followed by a free conversation on the Western Country & the Mississpi.⁷ The observations of the delegates tended to impress him 1. with the unfriendly temper which would be produced in the western people both agst. Spain & the U.S. by a concerted occlusion of that river. 2. with the probabil[ity] of throwing them into the arms of G.B. 3. of accelerating the population of that Country after the example of Vermont. 4. the danger of such numbers under British influence as well to Spanish America as to the Atlantic States. 5 the universal opinion of right in the U.S. to free use of River. 6. the disappointment of the people of America at an attempt in Spain to make their condition worse as Citizens of an independent State in amity & lately engaged in a common cause, than as subjects of a formidable & unfriendly power. 7 the inefficacy of an attempt in Congs to fulfil a Treaty for shutting the Mississpi. & the folly of their entering into such stipulation. 8. that it would be wise in Spain to foresee & provide for events that could not be controlled, rather than to make fruitless efforts to prevent, or procrastinate them.

Mr. G. reiterated his assertion that Spain would never accede to the claim of U.S. to navigate the river. 2. urged that the result of what was said was that Congs. could enter into no Treaty at all. 3. that the trade of Spain was of great importance & would certainly be shut agst. U.S.; affecting to disregard the remark that if Spain continued to use fish, flower &c. her interest would restrain her from shutting her ports agst the American Competition. 4. He signified that he had observed the weakness of the Union & foreseen its probable breach; that he lamented the danger of it as he wished to see it preserved & strengthened which was more than⁸ *France* or any other Nation in Europe did. No reply was made to this remark. The sincerity of his declaration as to his own wishes was not free from suspicion. 5 He laid much stress on the service Spain had Rendered the U.S. during the struggle for their independence, considering it as laying them under great obligations. The reality of the service was not denied, but he was reminded of the interest Spain had in dividing a power which had given the law to the House of Bourbon & *compelled* Spain to relinquish as he said the exclusive use of the Mississippi. 6 In answer to the remark that Spain was for putting the U.S. on a worse footing than they stood on as British subjects, he not only mentioned the necessity which dictated the Treaty of 1763, but contended that the recovery of W. Florida made a distinction in the case. It was observed to him that as the navigable channel of the Misspi. ran between the Island & the Western Shore, Spain had the same pretext from holding both shores, when Florida was a British Colony as since.⁹ He would neither accede to the inference, uor deny the fact. 7. He intimated with a jocular air the possibility of the Western people becoming Spanish subjects; and with a serious one that such an idea had been brought forward to the King

of Spain by some person connected with the Western Country,¹⁰ but that his Majesty's dignity & Character would never countenance it. It was replied that that consideration was no doubt a sufficient obstacle—but it was presumed that *such subjects* would not be very convenient. It would be much more for the interest of Spain that they should be friendly neighbours, than refractory subjects. It did not appear that he viewed the matter in a different light. 8. He disclaimed his having ever assented to or approved of any *limited* occlusion of the Mississippi—tho' in a manner that did not speak a real inflexibility on that point. 9. It appeared clearly that the check to the Western settlements was a favorite object & that the occlusion of the Mississippi. was considered as having that tendency. 10. The futility of many of his arguments & answers, satisfied the Delegates that they cd. not appear convincing to himself, and that he was of course pursuing rather the ideas of his Court than his own.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:337–39.

¹ For Madison's February 15 appointment to a committee of five to consider repeal of the ordinance of October 13, 1786, for settling the states' Continental accounts, the adoption of their brief report this day, and the passage of a new ordinance on May 7, see Rufus King to Elbridge Gerry, March 25, note 2.

² See the preceding entry.

³ For the "papers from Virga. communicated yesterday," which were temporarily assigned to "the Committee on the Illinois papers," see *JCC*, 32:141n.1, 146n.3; the preceding entry; and Charles Thomson to Edmund Randolph, April 30.

Book No. XV of Madison's notes ends at this point in mid-page. The remainder of this entry, which records the substance of a meeting between the Virginia delegates and Gardoqui, not debates in Congress, opens book No. XVI of Madison's notes.

⁴ That is, the Virginia council's disavowal of George Rogers Clark's actions, for which see Charles Thomson to Edmund Randolph, April 30, note 1.

⁵ Madison interlined "little" and deleted "no."

⁶ Following "dread" Madison first wrote "any thing for Spain," which he deleted.

⁷ For a similar interview with Gardoqui, see Madison's Notes of Debates, March 13.

⁸ At this point in the manuscript Madison inserted an asterisk to which he keyed the following observation: "From this it may be inferred that he does not regard France as favorable to the claims of Spain touching the Mississippi."

⁹ That is, since Spain had always controlled both banks of the Mississippi at its mouth, her recovery of West Florida from the British in 1783 made no difference.

¹⁰ Probably North Carolina delegate James White, who had a conversation with Gardoqui on September 18, 1786, in which he informed the minister of western resentment over Congress' repeal of the ultimatum on free navigation of the Mississippi and the probability that the western settlements would secede from the Confederation and place themselves under Spanish protection to gain use of the river. See Arthur P. Whitaker, *The Spanish-American Frontier: 1783–1795. The Westward Movement and the Spanish Retreat in the Mississippi Valley* (1927; reprinted, Lincoln: University of Nebraska Press, 1969), p. 80.

North Carolina Delegates to Congress

Congress chamber, the 29th March 1787.¹

The undersigned Delegates in Obedience to the commands of the State of North Carolina have the honour to lay before Congress, the papers herein after mentioned: to the end that the United States in Congress assembled may take such order thereon as the information may justify.

No. 1.² A letter of the 15th of Novr. 1786 from Thomas Amis to the Governor of North Carolina with papers enclosed respecting the seizure and confiscation of sundry articles of Merchandize his property; for the use of the Crown of Spain at Fort Natches on the Mississippi; Obviously within the Dominion of the United States.

2. The deposition of Thomas Amis.

3. A certificate of the Merchandize, from the Spanish officer who received the same.

4. A passport from the Commandant of Fort Natches expressive of the gentlemanly and honourable behaviour of Mr. Amis during his stay at the Natches.

To this information the delegates have thought proper to subjoin the extract of a letter No. 5 from a representative of Davidson County in the general assembly of North Carolina, directed to the hon'ble William Blount & Benjamin Hawkins.³

Wm. Blount

Benjamin Hawkins

John B. Ashe

MS (DNA: PCC, item 72). Written by Benjamin Hawkins, and signed by Hawkins, John B. Ashe, and William Blount.

¹ This letter was read in Congress on March 30 and referred to the secretary for foreign affairs, for which see *JCC*, 32:147–48.

² This and the following four enclosures are in PCC, item 72, fols. 273–86, and have been printed in *JCC*, 32:200–202.

³ For secretary John Jay's April 12 report on the subject of these papers, see *JCC*, 32:200–204. It was entered on Congress' Secret Foreign Journal for April 13 with Jay's report on the parallel subject of George Rogers Clark's arbitrary seizure of Spanish property in the west which had been communicated to Congress by the Virginia delegates, for which see James Madison's Notes, March 28, note 3. Madison's motion to have Jay's report referred to a committee lost April 13. *JCC*, 32:204. See also Madison to Edmund Randolph, April 15, note 8.

James Madison's Committee Notes

[post March 29, 1787]¹

Mr. Coré will please to answer the following enquiries.

1. Were the people of the Illinois heretofore governed by the law of Canada, or by Usages and Customs of their own, or partly by one and partly by the other?
2. By what tribunals, or Judges was criminal and civil justice heretofore administred in that district?
3. By what laws or usages, and by what Judges is criminal & civil justice dispensed at this time?
4. In what mode & in what quantities were grants of land heretofore made to individual settlers?
5. Of what extent is the whole district appropriated by grants?
6. Of what extent is the tract or tracts granted to the settlers in common, for religious or other uses?
7. What is the computed number of inhabitants in the whole Illinois district, and what proportion of them are slaves?

MS (DNA: PCC, item 48). In Madison's hand. Endorsed: "Queries put to Mr. Coré with his Answers relative to the settlers in the Illionois."

¹ Madison, Abraham Clark, and William Irvine were appointed a committee this day to consider a July 15, 1786, memorial from the inhabitants of Cahokia regarding lands seized by George Rogers Clark, Pierre Gibault, and Dorsey Penticost. On April 10 the committee was assigned additional letters and documents which included a February 5, 1787, appeal for protection from the inhabitants of Vincennes to "the Honorable Assembly of Kentucky." At some time between their March 29 appointment and their May 7 report, the committee addressed the queries printed here to Gabriel Cerré, a wealthy Kaskaskia merchant, who had apparently carried the Cahokia memorial to New York. His answers are in PCC, item 48, fols. 51–52. In the final report, written by Nathan Dane, who took Irvine's place on the committee April 18, the committee recommended that Congress provide for the administration of government in the Indiana-Illinois settlements by appointing a commissioner "to divide the settlements into proper districts" and magistrates who, with the commissioner, would form a court "to examine into the titles and possessions of the Inhabitants" and render decisions "according to the laws and customs prevailing in each district." The court would prosecute criminal cases under Virginia law. The commissioner and magistrates were also assigned numerous other administrative, legislative and judicial functions. Although Congress set aside May 8 for debate, no action was taken on the report, no doubt because Congress had resumed consideration of the ordinance for the government of the northwest territory on April 26 and it was scheduled for a second reading on May 9. See *JCC*, 32:146n.3, 170n.3, 214n.3, 242, 266–69, 274–75; and PCC, item 48, fols. 29–59, 301–14.

Nathan Dane to George Cabot

Dear Sir,¹

New York March 30. 1787.

I received yours of the 16th Ultó. Accept my sincere thanks and ac-

knowledge for your friendly disposition and frankness manifested in it. I should have noticed your favor sooner but a few days prior to my receipt of it I made to Mr. Prescott on the Subject you mention such and all the observations in my power to make before my return and in the present uncertain State of affairs. My friends who expect me to continue in public life I think are not well informed. I confess the warfare of the profession is not agreeable to my disposition—nor are the Cabals and deceitful contentions of public life much more so—nay I think the latter can be tolerable only on the idea that a man is in a great measure independent of them. It is and ever will be therefore my object to be in some degree independant in my private circumstances and never to Stand in need of public employments or public charity. Nor does it in my opinion require a great Estate to make one that independant man I mean in this Country. Had I a disposition to support myself and family by pursuing public business I should consider its total uncertainty the Caprice of those on whom it depends sufficient to render it improper to be calculated upon as the means in any degree of subsistence by a prudent man. A man of my age may yet see several revolutions in America and may even be banished alternately by parties.

I believe the people of the United States in general to be as virtuous and as much attached to order and Good Government as any people whatever—but there are in every class some profuse, turbulent, embarrassed and vile characters who will keep our Governments in perpetual commotions and danger till they shall be more Strengthened and confirmed. These characters in Massa., R. Island, Pennsyla., Maryland, the Western Country, &c &c, who under a daring leader might shake the foundations of our present governments, would under a firm efficient head or federal Government be only monuments of their own unimportance—but I can say nothing new to you relative to public affairs—things have I think for several months preserved their natural Course. All measures in the several states of importance—all measures relative to the proposed Convention As that have taken place I have seen published in our Boston papers. The States have all determined to send members to it except R. Island & Connecticut the latter will probably send. This Convention by thinking men every where is considered as a bold and untried measure & nothing can be more variant than opinions respecting the result of it—in some it produces sanguine expectations in others it most evidently produces an extreme depression of Spirits. They seem to feel themselves launched into the ocean, embarked on a hazardous and untried voyage and bound to an unknown Shore. No man that I have heard converse on the subject seems to have formed any definite ideas of what alterations the Convention will propose—and much will certainly depend on the abilities, prudence and characters of the

men who shall meet in the Convention. There are many good men chosen to it and many very unsound and uncertain politicians. It is doubtful whether Gen. Washington will attend and Gov. Henry of Virginia has resigned—but on the whole I think there is a good appointment of men if they all attend. The danger is in my mind that the best & most Judicious men will not attend. It is a work of immense magnitude to mend so complicated a machine of Government as our's is and to infuse into it sufficient energy—it is in my mind a work adequate to the abilities of the most industrious and able politicians at least during thirty or forty years to come. I wish among others most ardently to see our governments rendered equal & free, firm & efficient in the Course of a few years but I cannot in moments of sober reflection form an idea that we shall nay fortune must be propitious too. Our object is a wise government in which freedom & protection, Strength and energy are united or a government in which there shall be a kind of balance of power of the different classes of men in which the laws shall be made by the people's representatives & executed independant of the popular opinions in which persons and property shall be punctually protected and secured to at a moderate expence. How many nations have Struggled for ages and failed in obtaining these great objects one nation excepted. Can we name another on earth that ever has according to our ideas fully obtained them—but don't suppose dear Sir I despond, I only urge the propriety of patience, attention and Steady perseverance in the political voyage. These will make a people every thing that is g[. . .]t who have had an early and excellent education. If like the wise navigator we plan generally the intended voyage and mark the situation of the proposed port and like the prudent & experienced sailors watch the motions of the ship, the wind and waves & casual events and not forget to observe like them Steddy boys when green hands run into extremes we shall do well enough. To detail on these subjects is a work of years and constant attention—to make only one concise observation on this subject—it appears to me the wise man after he has drawn the out lines of his political edifice & put govermt. in motion he will constantly watch events and everyone & then something will turn up if improved to induce the people to give it strength & compleat the machine.

With regard to Massa. we do not hear so much about elections as we expected we should. It is said there is a coalition lately formed between A— & H—² and that exertions are made to put H— into the chair. I need not repeat my sentiments on these subjects to you—most men here seem to possess a just idea that to leave out B—³ who is considered now as intimately connected with the Governmental Cause would have the appearance of a disapprobation of it in the people. That his conduct has been on the whole wise and firm—&c. I men-

tioned to you in my last that I had received the contents of your bill of Ludlow and Goold & held them subject to Your orders.

With great esteem & respect I am Sir, your affect. friend,

N. Dane

RC (MBNEH: John Wingate Thornton Papers).

¹ George Cabot (1752–1823), a Beverly, Mass., merchant, was a proponent of stronger Continental government, and had been elected a delegate to the 1786 Annapolis Convention but did not attend. He was a director of the Massachusetts Bank, a member of the Massachusetts ratifying convention of 1788, and was elected a Federalist United States senator in 1791. *DAB*.

² That is, Samuel Adams and John Hancock.

³ James Bowdoin.

James Madison's Notes of Debates

Friday Mar. 30th [1787].

Mr. Jay's report in favor of the admission of P. Bond as British Consul for the middle States, was called for by Mr. Cadwallader.¹ Mr. [Madison]² said he was far from being satisfied of the propriety of the measure: he was a friend in general to a liberal policy & admitted that the U.S. were more in the wrong in the violation of the Treaty of Peace than G.B. But still the latter was not blameless. He thought however the question turned on different considerations. 1. The facility of the U.S. in granting privileges to G.B. without a Treaty of Commerce, instead of begetting a disposition to conclude such a Treaty had been found on trial to be made a reason agst. it. 2. The indignity of G.B. in neglecting to send a public minister to the U.S. notwithstanding the lapse of time since Mr. Adams's arrival there, gave them no titles to favors in that line; and self-respect seemed to require that the U.S. should at least proceed with distrust & reserve.

Mr. Grayson, thought as the Secretary had done that it would be good policy to admit Mr. Bond, and that it could not be decently & without offence, refused after the admission of Mr. Temple.³

Mr. Clarke said he was at first puzzled how to vote, as he did not like the admission proposed on one hand, and on the other thought it not decent to refuse it after the admission of Mr. Temple. On reflecting however that Mr. Temple was admitted at a time when hopes were entertained of a Commercial Treaty which had since vanished—& that the question might be postponed generally without being negated, he should accede to the idea of doing nothing on the subject.

Mr. Varnum animadverted on the obnoxious character of Mr. Bond, and conceived that alone a sufficient reason for not admitting him. The postponement was agreed to without any overt dissent except that of Mr. Grayson.⁴

The delegates from N. Carolina communicated to Congress sundry papers Conspiring with the other proofs of discontent in the Western Country at the supposed surrender of the Misspi—and of hostile machinations agst. the Spaniards.⁵

It was orderd that they should be referred to the Secry. of Foreign Affairs⁶ for his information. It was then moved that the papers relative to the same subjects from Virga., yesterday referred to a Committee should, after discharging the Committee be referred to the Office of Foreign Affrs. Mr. Clarke proposed, to add “to report.” This was objected to by Mr. King, and brought on some general observations on the proceedings of Congs. in the Affair of the Mississippi. It was at length agreed that the reference sd. be made without an instruction to report.⁷ Mr. Pierce then observed that it had been hinted by Mr. M[adison] as proper to instruct the Secy. of F. A. to lay before Congs. the State of his negociation with Mr. Guardoqui, and made a motion to that effect which was seconded by several at once.

Mr. King hoped Congs. would not be hurried into a decision on that point, observing that it was a very delicate one—that he did not altogether like it—and yet it was of such a nature that it might appear strange to negative it. He desired that it might at least lie over till Monday.

Mr. M[adison] concurred in wishing the same, being persuaded, that the propriety of the motion was so clear, that nothing could produce dissent, unless it were forcing members into an unwilling decision.

The Motion was withdrawn, with notice that it would be renewed on Monday next.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:340–41.

¹ Phineas Bond (1749–1815), a Pennsylvania loyalist who had fled to England during the war, had returned to Philadelphia in November 1786. John Jay’s December 8 letter presenting to Congress two commissions borne by Bond—one appointing him consul to New York, New Jersey, Pennsylvania, Delaware and Maryland, and the other commissary for commercial affairs throughout the United States—was read in Congress on February 3 and the commissions were referred on the 5th to Jay to report. His March 28 report was taken up this day. See *JCC*, 32:25, 29n, 142–45.

² Madison later inserted “Madison.”

³ That is, Sir John Temple, who had been recognized as British consul in December 1785, for which see the first letter of Charles Thomson to the States, December 3, 1785.

⁴ The postponement frustrated Bond who applied repeatedly to Jay about action on his commissions and finally journeyed to New York with a personal appeal. Congress thereupon adopted Jay’s report on May 3 recognizing Bond as consul, a position he held until 1812, but refusing to accept his commission as commissary. See *JCC*, 249, 253–55; and Charles Thomson to Certain States, May 4. See also Joanne L. Neel, *Phineas Bond; a Study in Anglo-American Relations, 1786–1812* (Philadelphia: University of Pennsylvania Press, 1968), pp. 35–40.

⁵ See North Carolina Delegates to Congress, March 29.

⁶ At this point Madison struck out two lines beginning with “Mr. Grayson” and added “for his information” to the preceding sentence.

⁷ Notwithstanding, the order entered in the Secret Foreign Journal included the words "to report." See *JCC*, 32:147.

⁸ William Pierce renewed his motion on April 4 when it was adopted and entered on the secret journal. *JCC*, 32:152. See also Madison's Notes of Debates for that day.

William Samuel Johnson to Hugh Williamson

Dr. Sr.,

NY 31st. Mar. 1787

I had the Honr. a few Days since to receive from you a very agreeable Lettr. of the 14th Feby last which gave me very great satisfaction.¹ The Ability & assid[uit]y you display'd in the Condt. of public Busiss. dur'g the period I passed with you in Congs. strongly attracted my Attention, & Engagd. my utmost affection & Esteem, & yr. kind remembr. of me therefo[re] do's me Honr. & gives me the highest pleasure. The inclosure to Dr. S.² was immedy forwd. to him & I doubt not is beff[or]e this time in his hands. The propriety & Justice of yr. Censure upon the too freqt. Changes of Members in Congres. I must clearly concur in while I personally experience the Inconven[ienc]e of the contrary but true plan of cont[inu]ing them to the utmost Term that the Confedn. admits of. Exper[ienc]e is of equal importe. with ability in the service of the public. Yet alas! with all we Possess of both our Affairs are daily growing worse & worse. I will not attempt to apportion the blame, I fear both thro[ttle]rs & thr[o]tld must divide it between them. I will not desp[ai]r but I own I do not foresee what will become of us. If we can derive no succour from the Convent[i]on at Pha. whh. I considr. as a very doubtful Measure at best I fear We shall soon be in a deplorable situation. I see with great pleas[ur]e that yr. W[ester]n Peop[l]e are ret[urne]d wisely to Peace & subord[ina]tio[n] but I hear with Concern that an extensive sum of private Villainy has occurrd amongst you. I doubt not the Perpetrat[or]s will meet with condign Punishm[en]t when discov'd, & wish this was the only instance of public fraud & Imposit[i]on to be found amongst us. I Congrate. you on the fair prosp[ec]t of Peace & Union in M. B.³ The Obstacles *(Difficulties)* to Peace in Pena will I trust be soon remov'd. The Legis[atur]e have before them a very liberal L[aw] & when the Act[ua]l Sett[ler]s are once quieted Connt., I believe will take propr. Meas[ur]es with all the rest that are concerned. R.I. is past all hope till a new Admn. shall soon assume the r[eins] of Govt. We are not however with't hope that the next Election in M. will produce this wish'd for Event. You impute their Misfortn. to their true Cause the spirit of Pap[er] Credit which surprisingly prevails in the Union. How long Connt. will escape I know not as we have a pretty strong party in favor of the same iniqu[itou]s System. Hitherto happily they have been kept undr. & the misery of othr. St[ate]s who have accceedd. to the Measr.

cont'y strengthens the argts. agst. them wh. gives us hopes that they may yet be *(unsuccessful)* controlled.

The plan of indiscrimnt. Locatn. for the W. Country is again upon the Carpet in Congs. but I trust will agn. be defeatd. Yet some alterats. of the ord[inan]ce may perhaps be admitted.

With the best wishes for both yr present & unbroken felic[it]y, I have the Honr. to be with the most Cord. respect & Esteem, Dr. Sr.

FC (CtHi: Johnson Papers). In the hand of William Samuel Johnson.

¹ This letter, dated "Edenton 14th Feby 1787," is in the Johnson Papers, CtHi.

² That is, Ezra Stiles, president of Yale College, who had requested "to be informed of the Circumstances attending the Death of his Son, an unfortunate young man, who dyed on the Way towards this Town [Edenton, N.C.)."

³ Massachusetts Bay.

Charles Thomson to Samuel Huntington

Sir, Office of Secretary of Congress [March 31, 1787]

I have received and communicated to Congress the letter which your Exy. did me the honor to write the 16 of Novr. together with the Act of the legislature fixing the commencement of the power to be vested in Congress for regulating trade & commerce;¹ and also your letters of the 23 Decr. & 17 Feby last² and have the honor to inform your Excellly that your letter of the 17 Feby with the copy of the resolve of the genl Assembly passed at their last sessions,³ has been also recd. & communicated to the United States in Congress Assembled.

I have now the honor of transmitting to Your Excellency herewith enclosed an Act of Congress of the 23 for reducing the public expenditures and a state of the representation for the present Month,⁴ and am, With the greatest respect &c

LB (DNA: PCC, item 18B). Addressed: "Connecticut."

¹ This letter from Connecticut governor Huntington, which was read in Congress February 3, is in PCC, item 66, 2:340-43. The enclosed act is in PCC item 75, fols. 107-10.

² These two letters are in PCC, item 66, 2:344-47, 354-55.

³ This letter from Governor Huntington to the President of Congress is actually dated February 15 not 17. It and the enclosed Connecticut act are in PCC, item 66, 2:348-53.

⁴ For these enclosures, see the notes to the following entry.

Charles Thomson to the States

Sir Office of Secy of Congress, March 31 1787

I have the honor of transmitting to your excy herewith enclosed an

Act of the United States in Congress assembled passed the 23 for reducing the public expenditures¹ and a state of the representation for the present Month² & am, With the greatest respect, Yr excys &ca

LB (DNA: PCC, item 18B). Addressed: "To the other States [*i.e.*, other than Connecticut and New Hampshire]."

¹ For the enclosed detailed March 23 resolutions reducing the salaries of Continental officials, see *JCC*, 32:128–30.

² For this enclosure and the 10 other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

Charles Thomson to John Sullivan

Sir Office of the Secretary of Congress. March 31st, 1787.

I have recd. the letters Your Excellency did me the honor to write on the 11th & 30th July, the 26th Augt, the 2d Octr., the 25th Novr. 1786 and the 24th Jany 1787,¹ & have the honor to inform you that your letter of the 3d of this month with the vote of the General Court appointing Delegates to meet in Convention at Philadelphia has been duly recd.² & communicated to Congress. The Act passed by the United States in Congress Assembled on the 20th of Feby³ & which I have the honor of transmitting to You in my letter of the 21st so fully expresses their opinion touching the expediency of a Convention of Deputies from the several States for the purpose of revising the Articles of Confederation and reporting to Congress and the several Legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the federal constitution adequate to the exigencies of Government and the preservation of the Union, that Your Delegates will, I presume find no difficulty in proceeding to join the Convention, conformably to the vote of the General Court.

I have the honor to transmit to your Excellency herewith enclosed an Act of Congress of the 23d for reducing the public expenditures and a state of the representation for the present month,⁴ and am, with the greatest respect, Your Excellencys Most Obedient & Most Humble servant,

Cha Thomson

RC (Nh–Ar: Executive Records).

¹ These letters from New Hampshire president Sullivan are in PCC, item 64, fols. 284–87, 292–99, 308–19.

² For this March 3 letter and enclosed New Hampshire act, see *ibid.*, fols. 328–32.

³ Actually February 21, for which see Thomson to the States, February 21.

⁴ For these enclosures, see the notes to the preceding entry.

James Madison to James Madison, Sr.

Hond. Sir

N. York April 1. 1787.

I have received your favor of the 17th Feby. and have made enquiry as to the Andover Works, not indeed thro' the channel you suggested, but through one still more direct & authentic. I find that the works are not pursued with such alacrity at present as to promise the supply you wish, that it is uncertain whether it would be delivered at Philada. at all, and that the price is at present unfixed. I shall have an opportunity of seeing in Trenton on my way to the Convention, the man who is connected with these works, and will collect any further information that he may be able to give.¹

Congress have remained very thin ever since my arrival, and have done but little business of importance. The general attention is now directed towards the approaching Convention. All the States have appointed deputies to it, except Connecticut, Maryland, and Rho. Island. The first it is not doubted will appoint, and the second has already resolved on the expediency of the measure. Rho. Island alone has refused her concurrence. A majority of more than twenty in the Legislature of that State has refused to follow the general example. Being Conscious of the wickedness of the measures they are pursuing they are afraid of every thing that may become a controul on them.² Notwithstanding this prospect of a very full and respectable meeting, no very sanguine expectations can well be indulged. The probable diversity of opinions and prejudices, and of supposed or real interests among the States, renders the issue totally uncertain. The existing embarrassments and mortal diseases of the Confederacy form the only ground of hope, that the Spirit of concession on all sides may be produced by the general chaos or at least partition of the Union which offers itself as the alternative.

N. Carolina, and N. Jersey have followed the example of Virginia in giving instructions in favor of the Mississippi. Penna. has not done so as was expected, but she has appointed a Delegation which thinks differently from her last on the subject.

I am anxious to hear from my brother A.³ on the subject of the Tobacco. It will at farthest I hope arrive within the current month in Philada. With affecte. regards to my mother & the family, I remain Yr dutiful son,

Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:358–59.

¹ For the Andover Iron Works in Sussex Co., N.J., see *ibid.*, p. 358n.1.

² For Rhode Island's refusal to elect delegates to attend the Philadelphia Convention scheduled to meet in May, see Polishook, *Rhode Island and the Union*, pp. 184–89.

³ That is, Ambrose.

Edward Carrington to Edmund Randolph

Sir,

New York April 2d. 1787

I do myself the honor to acknowledge the receipt of your Excellencies favor of the 15th Ult. to the Delegation.¹ Any additional information which may be acquired upon the subject of Mr. Van Berkels Memorial will be punctually transmitted.²

I lament exceedingly the Situation into which our Trade is thrown under the late Laws—it will occasion a deminution of the Revenue which we are in no condition to bear. This circumstance evinces the impossibility of Managing the Trade of America by State arrangements, and necessity of vesting the foederal Head, with full Authority over that, and every Interest of the like general nature. Until this is the case, State schemes will be pursued with surreptitious views against each other, which must eventually destroy a source of Revenue that might be immensely valuable to the whole Union; and every effort prohibitory of foreign Articles will also be vain.

The Resolutions upon the proposed Convention between the States of Virginia, Maryland and Pensylvania, have been laid before Congress, and referred to a Committee, who have reported favourably; The proposition is, however, viewed with a Coolness which will retard the decision, nor can I venture an opinion as to the issue.³

Congress last week had under consideration the civil list establishment and made some considerable reductions therein; inclosed your Excellency will receive the resolutions upon that subject.⁴ This measure in some instances resulted rather from necessity than choice.

The House of Assembly of New York have passed an Act to Authorise the delegates of that State in Congress, to accede to, ratify and confirm the Independence and Sovereignty of Vermont, and it is understood that it will pass the Senate and Council of revision. The enclosed papers contain the principles and arguments upon which the measure is founded.⁵ As soon as the Act is Compleat it shall be transmitted. It is suggested that there may arise a difficulty upon the point of a participation in the public burthens, heretofore incurred.

By some late acts of Rhode Island it appears that the current of Madness in that state has not yet compleated its course.⁶ The Assembly have decided by a Majority of upwards of twenty, not to send Deputies to the Convention—and, by the same majority, they have declined to aid the State of Massachusetts in apprehending the Insurgents who have taken refuge amongst them.

The Board of Treasury still decline sending the Indents—this conduct is founded upon the information of the loan Officer that the funds for complying with the requisition are inadequate.⁷ The Act of Congress makes the Indents issuable upon condition that adequate

funds shall first have been provided, and the Board alledge, that having no data on which to found an opinion of their own, they are obliged to conform to that of the Loan Officer. Perhaps upon an interview between the Executive and the loan Officer this difficulty might be removed. The Indents now to be issued would not, I beleive, be receivable in the Tax now collecting, but that of 1787 will be coming on, and it is of some consequence that the people should have it in their power to get the Indents in time for it.

The Treaty with Sweden is enclosed.⁸

I have the Honor to be, with due respect, Your Excellencies Most Obedt. Servt.,
Ed. Carrington

RC (Vi: Continental Congress Papers).

¹ See Madison, *Papers* (Rutland), 9:312–13.

² See Virginia Delegates to Randolph, March 5, note 1.

³ The Virginia assembly had passed resolutions on November 8, 1786, and January 13, 1787, calling for a convention of delegates from Virginia, Maryland, and Pennsylvania to regulate import duties. They were laid before Congress on February 26 and referred to a committee consisting of William Blount, James Mitchell Varnum, and William Grayson, who recommended on March 13 that “Congress do consent to the Annual Meetings of Commissioners as proposed,” but the report was defeated May 8. See *JCC*, 32:76–77, 83n.4, 114, 271–72. See also Henry Lee to Randolph, May 15.

⁴ See James Madison’s Notes of Debates, March 23; and Charles Thomson to the States, March 31.

⁵ The “enclosed papers” have not been found, but they were probably New York newspapers such as the *Daily Advertiser* and the *Packet* which carried assembly speeches and debates on the Vermont bill that was ultimately defeated by the Senate on April 11. See Hamilton, *Papers* (Syrett), 4:112–18, 126–41. Cf. Carrington to Randolph, April 13, note 4.

⁶ For Rhode Island’s reputation for “Madness,” and the publicity campaign that had recently been mounted to discredit the state’s assembly, see Rhode Island Delegates to George Clinton, April 7, note.

⁷ See Virginia Delegates to Randolph, February 26, note 1.

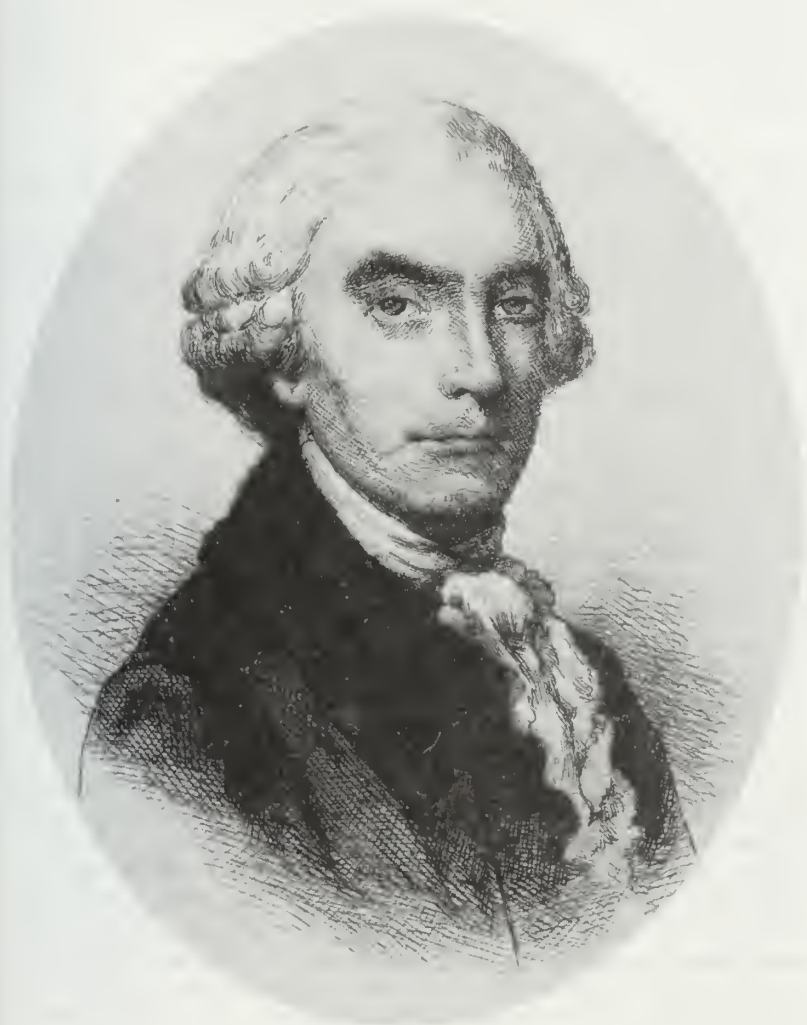
⁸ Enclosure not found; but for the Swedish-American “Treaty of Amity and Commerce” that was ratified in September 1783, see these *Letters*, 21:79n.5, 596n.

Daniel Huger to John Jay

Sir

April 2d. 1787

I beg leave to recommend to your attention Legh Masters Esqr., a very respectable Citizen of Maryland, who will deli[ver] this Letter to you with some Papers, relating to the unjust Seizure and Sale of his Schooner in New Providence, where, having sprung a Leak in his Vessel on his way to Georgia, he was compelled to seek relief; and notwithstanding his having obtained permission from the Governor, to dispose of certain Articles, for the purposes Solely, of defraying the expence of repairs the Vessel was libelled, condemned and sold, with the whole Cargo.¹



Daniel Huger

Mr. Masters wishes to seek redress thro' means of our Minister at the British Court; to effect which, I have taken the Liberty of recommending him to your Department, as I conceive it the proper one for Application on this Occasion; any assistance, you may be pleased to afford him will very highly oblige me.²

With great Esteem & respect, I am, Sir, Your most obedt. and Very Humble Servt.,
 Dl. Huger

RC (DNA: PCC, item 78).

¹ For copies of the admiralty court proceedings at Nassau in June-July 1786 condemning Leigh Masters' schooner *Minerva* and its perishable cargo, see PCC, item 120, 3:163-205.

² There is no record in PCC of Jay's treatment of this case, but receipt of this letter and Leigh Masters' papers is acknowledged in this day's entry in the despatch book for the office of foreign affairs. See PCC, item 127, 2:60.

James Madison to Edmund Randolph

My dear Sir

N. York April 2d. 1787

I have your favor of the 15th inst.¹ All of preceding date have been already acknowledged. The information which you wished to go to Mr. Guardoqui has been communicated.² The real impression made by it cannot easily be seen thro' the political veil. If he views the state of Western affairs in the true light, his representations to Spain, must convince her that she has no option but between concession and hostilities. It is to be lamented that so many circumstances have concurred to enlist her pride on the side of the latter alternative.

The papers accompanying the advice of the Council as to Clarke have been laid before Congs. Similar communications have also been made from N. Carolina.³ The impression they have made is not unfriendly I conjecture to the Rights of Western peoples and it is probable that a rediscussion of these may be produced by the occasion. Our strength however is unequal to any effectual vote. A Reinforcement from either Maryland or S. Carolina would I believe supply the defect; Pennsylvania having lately appointed Armstrong in the place of Pettit which throws that State into the right Scale. We have some hopes also as to Rh. Island. She begins to see the policy of some States in her neighbourhood, in excluding the federal territory from the Market at which they offer their own. N. Jersey has entered fully into this view of the matter, and feels no small indignation at it.

Rhode Island has negatived a motion for appointing deputies to the Convention by a majority of 22 votes. Nothing can exceed the wickedness and folly which continue to reign there. All sense of Character as well as of Right is obliterated. Paper money is still their idol, though it is debased to 8 for 1. Yrs. affy.,
 Js. M.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:361–62.

¹ No personal letter from Randolph to Madison of March 15 has been found, but for the governor's letter of that date to the Virginia delegation, see *ibid.*, pp. 312–13.

² See Madison's Notes of Debates, March 29, note 4.

³ For these Virginia "papers" and North Carolina "communications," see Madison's first letter to Randolph, March 19, note 1; and North Carolina Delegates to Congress, March 29.

Charles Thomson's Memorandum Book

April 2d, 1787.

Transmitted to the Office of foreign Affairs to be filed.

Letters from Mr. Deane—¹

July 10th & 28th	1778
Sep. 8th, 11th, 22d, 24th	do
Octr. 7th & four of the 12th	do
Novr. 1st, 19th & 30th	do
Decr. 4th, 21st & 30th	do
Jany. 4th, 20th	1779
Feby. 23d	do
March 15th & 29th	do
April 2d, 17th, 26th, 27th & 30th	do
May 12th, 22d	do
Augt. 18th. His narrative was transmitted to Congress in this letter— but is missing. ²	
Sept. 4th, Novr. 23d, Decr. 18th	1779
May 15th	1781
March 17th	1782

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, October 4–13, 1786. Alden wrote in the margin of this entry, "see rec[eip]t." The receipt referred to, signed by Henry Remsen, Jr., the secretary to the secretary for foreign affairs, is in PCC Miscellaneous Papers, M332, reel 5, fols. 654–55.

¹ These Silas Deane letters are not in the PCC, but for the transcripts of them made in the office for foreign affairs, see PCC, item 103, fols. 109–208. In this compilation, the letters listed below under the date January 20 and February 23, 1779, are dated January 21 and February 22.

² For Deane's missing "narrative," which he read to Congress during sessions held on December 22, 23, and 31, 1778, see these *Letters*, 11:384n.1.

James M. Varnum to Samuel Ward, Jr.

Sir,¹

Newyork 2d April 1787.

I am much obliged to you for your letter of the 19th March last, but am very unhappy to be informed of your ill state of health. As you are

upon the recovery however, let me persuade you, that, when you mention "that your mind has been affected," you was a little tipp'd. And this I can easily account for, when the assiduities of a tender mother, and the anxieties of an affectionate wife are considered as stimulating to a vigorous habit, beyond the power, perhaps, of your constitution, tho' within the compass of your wishes. Even at this distance, and in perfect health, when I revolve the charming moments which have, in the most pleasing variety of succession, bound me to the felicities of domestic enjoyment, my delirium of rapture enslaves the senses; and surely then, the mind is disordered. But, as the torments of absence may be subdued by approaching to the object of our desires, so the debilities arising from too constant an attention, may require a centrifugal motion. Both of us then, being erratic, from causes so obvious, you must submit to the projectile force, and I must wish for a concentration. Your cure, my dear friend, is probably within your immediate reach, mine is destined to be postponed for the space of about two months, and (oh! bitter reflection) in the mean time, it may become inveterate. But philosophy, divine protetrix, be thou my guide!

—Hoc multa desunt.—

"Quem Deus perdere vult, primo demantat,"² may, with great propriety, be applied to the majority of your Legislature.³ When diseases gradually, and by means almost imperceptable, infect the body politic, the nicest discernment and closest attention are requisite in the application of a remedy, and after all, the most profound skill may be baffled in every attempt. The seeds of dissolution are sown in every political constitution, & the great care of the Legislators should be to watch their sprouts, to nip them in infancy, and to cherish, with a faustering hand, every tender plant that may enrich the soil. A conduct direc[tly] contrary hereto most commonly counteracts its own intentions. For instead of destroying the bands of political society, the administrators, by exciting too sudden and too ardent a fever, serve as fuel themselves to feed, & become as ashes to smother its flames.

I do not feel any great degree of anxiety about the impolicy of this legislature. They represent only the present humors of the state; and even the state itself is but of very little consequence in the great scale of the Union. It cannot be expected that the Convention at Philadelphia will frame and recommend a system that will ever be federally adopted. They will probably investigate the defects of our present national government, and point out the means of removing them. The respective States will greatly differ in their ideas upon the subject, and their increasing animosities will precipitate the period of anarchy and confusion. From these exuberant sources will arise a government that may be assisted in its formation and principles by the wisdom of the convention. For it is very possible that the majority of wealth, influence and numbers will meet their sentiments; and if so, the residue will be compelled to come in. For instance; should the Convention report a plan to

Congress, & this plan be by them recommended to the Legislatures for adoption, and it should be adopted, by a great majority of the States. Will not this majority be finally led to a seperate Association? And as the States forming it will probably be intermixed with the other states, will not the latter be absorbed by the superior influence of the former?

"Has the Legislature violated the articles of Confederation"? Yes, in thought, word and deed; but not in the instance particularly referred to in the query. Had Governor Bodoïn demanded of Governor Collins certain Fugitives from justice agreeably to those articles, and the state had refused to deliver them, the refusal would have been a direct violation. But Governor Bodoïn's request was to issue a Proclamation offering a reward &c.,⁴ The granting or refusing of which was a matter discretionary. The refusal, it is true, was unneighbourly and tantalising; but it was made under those peculiar circumstances wherein the Administration could demonstrate, "*Quam prope ad peccatum sine peccato accedere prossunt.*"⁵ It is in vain, my worthy friend, to think of particular violations. There is not a state which can throw the first stone. The evil is radical, and so must be the cure. Politicians differ widely in their opinions upon this head. Many are for a mixed monarchy; more, for a well organised Republic: Of the latter, are all the southern and middle states. New England seems to be divided, but inclining to the former sentiment. This sentiment will probably be embraced in the end, but not in the first assay of a new government. Some are warm espousers of seperate confederacies, to be united in the ties of commerce and defensive alliance. This is a visionary scheme, calculated by shallow heads, upon the basis of our present imbecility; & for this very reason may be adopted. But should it, like the morning dew before the rising Sun, it will no sooner appear than vanish.

During my residence here, a reduction hath taken place in the civil department, & it will be farther pursued, to the annual saving of about twenty thousand dollars.⁶ A reduction will also take place in the military establishment. This is necessary through the wants of the Treasury. A Plan is matured, and I believe will take place, for settling the accounts between the United States and the individual states, whereby three commissioners, in the last resort, will judge and finally decide upon all claims not authorised by subsisting resolutions of Congress.⁷ Under this head, the claims of our state troops will be fair for admission. Five commissioners, in the mean time, are to be assigned to districts and bring up the accounts, which, it is supposed, may be effected in a year or less space of time. The western territory exhibits circumstances, and is pregnant with events of the most serious nature. Something decisively must be done. I cannot be particular upon this head; and regret the necessity I shall be under of leaving a business of the first national magnitude to a discussion and decision in which I shall not probably partake. Principles declaratory of the intire power of

Congress in matters respecting Treaties, and the nullity of all legislative interferences, have been agreed to, & will soon be made public. So far as particular States have obstructed, or shall continue to obstruct the recovery of Debts in pursuance of the Treaty with Great-Britain, will, in consequence of this arrangement, be considered as Violators; & should they persist, the offending States must be responsible for the consequences, in such a manner as experience may suggest.

I must now beg your attention to our General meeting on the first Monday of May next. Two members must be there from the State society.⁸ I shall be present, & you, or one of the other Gentlemen in the appointment must join me. Be so good as to converse with Colo. Olney respecting the state of the Treasury. Money must be sent forward to pay for the Diplomas—And, if there should be a supply, I shall be much accommodated in receiving a small sum in Philadelphia, towards my expenditures upon the business of the society. Care must be taken to have the appointment of the delegates, and the Instructions, from Colo. Dexter, the Secretary. All this here then I lay upon you, not as immediately being a duty, but to prevent a multiplicity of letter writing, for which I have neither time or inclination. Pray dont write to me again untill a new correspondence shall be opened on my part; For it is very uncertain where, if atal, your letters may find me. From Mr. Bourne's last communications, I have some reason to expect Mr. Arnold will join me in the course of this Week; if he should not, I shall take my departure for Philadelphia; From thence to Baltimore &c. I had an intention of returning to Rhode Island previously to this tour, but find myself embarrassed in point of time. I hope to be at home sometime in May, but before that, to see you in Philadelphia. Tell Mrs. Genl. Greene, but that I am much indebted to her for three letters which she has done me the honor to write to me; & that nothing but my indolence or caprice, or something else, *je ne ce pas*, hath privented my usual civility in returning answers. However, she possesses a benevolent soul, and I am certain of obtaining a pardon.

Mention me, with sincere attachments, to your good lady, the Governor & his lady, Ray, Billy & his companion; and, that as writing to one of a family so well cemented by affection and mutualities, is, in some measure, writing to all, pray them to excuse me for not addressing myself particularly and individually to them.

I was just upon the close, when the servant summoned me to dinner; and just rising from a glass of good claret, when another servant announced the arrival of Mr. Arnold.⁹ This event will detain me here some weeks longer. In consequence, the Gentleman, who will join me in the Cincinnati delegation will come this way, and I shall be in still greater want of cash. However, "to dig I cannot, and to beg I am ashamed." "*Tempora mutant, & nos in illis mutamur.*"¹⁰ Therefore the prohibition relative to a continuation of writing is superceeded, and this is to be considered as a *procedando*. Write then, my dear friend;

you cannot write too often. And write in your own way. For altho brevity consists best with my passion, or rather apathy for writing, yet I should be very much mortified if your epistles were to be curtailed on that account. Ten States will be represented tomorrow, and you can scarcely imagine what additional facility we shall obtain in the transacting of business. I anticipate, with pleasure, the moment we shall finish the most essential part of it, and, by an adjournment, leave an open stage, on which may be viewed the wretched situation of our common Country! Pray, continue your friendly visits to my dear little woman, and if you should chance to meet her cheek, tell her it is a message from me.

May you ever be happy, my dear friend, and enjoy the utmost felicity that can form the wishes of your very obedient & most humble servant,
J M Varnum

RC (RH: Ward Papers). Addressed: "Colonel Samuel Ward, Warwick."

¹ Samuel Ward, Jr. (1756–1832), son of former Rhode Island delegate Samuel Ward (1725–76), had been a captain in Varnum's Rhode Island Regiment in 1775 and rose to the rank of lieutenant colonel in the 1st Rhode Island Regiment, 1778–81. He was at this time a member of the Rhode Island Society of the Cincinnati, of which Varnum was president since the death of Nathanael Greene. See Heitman, *Historical Register*, p. 417; and John Ward, "Lieut.-Colonel Samuel Ward of the Revolutionary War," *New York Genealogical and Biographical Record*, 6 (July 1875): 113–23.

² That is, "Whom God would ruin, he first deprives of reason," a phrase of "spurious Latinity and purely modern [17th century] origin." William Francis King, *Classical and Foreign Quotations* (London: J. Whitaker, 1904), p. 298.

³ Varnum was one of the most outspoken opponents of the Rhode Island Assembly's paper money policies, and had been counsel for the defense in the September 1786 trial of *Trevett v. Weeden*, the most serious constitutional challenge mounted against the assembly. See Polishook, *Rhode Island and the Union*, chapter 6, "The Paper Money Tangle," especially pp. 134–42.

⁴ Rhode Island's governor John Collins had responded to Massachusetts' appeal by issuing a proclamation against the fugitives from Shays' rebellion as requested, but the assembly had voted it down by a large majority and in act of defiance had even invited one prominent fugitive, Dr. Samuel Willard, to witness its proceedings. See *ibid.*, pp. 177–78.

⁵ Cf. "Quam prope ad crimen sine crimen!—How near to guilt, without being guilty! Put interrogatively, this was a favourite query with the Jesuits, who refined very extensively upon the point." Henry Thomas Riley, *A Dictionary of Latin and Greek Quotations, Proverbs, Maxims and Mottos* (London: George Bell, 1876), pp. 357–58.

⁶ See *JCC*, 32:128–30.

⁷ For the board of treasury's draft ordinance for settling state accounts, which was adopted May 7, see *JCC*, 32:141, 206–9, 258–66.

⁸ For the May 7 national meeting of the Society of the Cincinnati in Philadelphia, which was attended by a Rhode Island delegation although none was sent from the state to the constitutional convention that convened there soon thereafter, see Minor Myers, *Liberty without Anarchy: A History of the Society of the Cincinnati* (Charlottesville: University Press of Virginia, 1983), pp. 95–98.

⁹ Notwithstanding his arrival in New York this day, Peleg Arnold did not take his seat in Congress until Monday, April 9. See *JCC*, 32:119, 151–52, 154, 157–58.

¹⁰ That is, "The times change and we change with them." Hugh Percy Jones, ed., *Dictionary of Foreign Phrases and Classical Quotations* (1929; reprint ed., Boston: Milford House, 1972), p. 117.

William Irvine to Congress

Sir

New York April 4th 1787

Having observed that an extra allowance has been generally made to Officers on separate Commands, I applied to the Commissioner of Army accounts to settle with me for the time I Commanded at Fort Pitt, but find he has it not in his power; for notwithstanding he has done it in almost every instance yet he has been authorised so to do, by special orders or Resolutions—except to Major Generals.

There are existing Resolutions in favor of Brigadier General Howe 15th April 1777, Moultrie the 13th May 1779, and the 8th May 1781 To the Commanding General at West point for the time being.¹

I have reason to think General McIntosh has been settled with in the State of Georgia, which will of course be charged to the United States, but of this I am not certain. Claims of sundry inferior Officers in similar cases have also been allowed.

Permit me to assure your Excellency and the honorable members, that I would not give you this trouble, if I did not consider my claim founded in strict Justice, and sanctioned by precedents—as I conceive in every other instance no Officer that I know of who Commanded in separate departments, but what have been settled with. If therefore Congress view my claim in the same light, I hope they will be pleased to order their Commissioner to settle with me on the same principle he has in all other cases been directed to settle with Officers of the same rank when Commanding in separate departments.²

I have the honor to be, with the greatest respect, Your Excellencys
Most Obedient Humble Servant, Wm. Irvine

RC (DNA: PCC, item 78). Addressed: "His Excellency the President of Congress."

¹ For these resolutions, see *JCC*, 7:269–70, 14:586, 20:488–89.

² Irvine's letter was submitted on April 9 to the commissioner of army accounts, John Pierce, whose report was referred on April 11 to a committee consisting of James M. Varnum, Rufus King, and Melancton Smith. The committee's report, which recommended that Pierce allow Irvine "such sum as, from a fair representation of his expences during his command at Fort Pitt, may appear to him reasonable," was submitted and adopted by Congress April 12. See *JCC*, 32:167n, 173–75.

James Madison's Notes of Debates

Monday April 2d [i.e., Wednesday, April 4, 1787]¹

Mr. Pierce renewed his motion instructing the Secy. of F. A. to lay before Congs. the state of his negotiation with Mr. Guardoqui which was agreed to without observation or dissent.²

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:368.

¹ Madison misdated this entry undoubtedly because he had recorded in his Notes of Debates for Friday, March 30, that William Pierce's motion "would be renewed on Monday next." The entries in the secret journal and Charles Thomson's committee book and the endorsement on the motion itself demonstrate, however, that the motion was considered and agreed to this day. See *JCC*, 32:152; and *PCC*, item 36, 3:337–38, item 190, fol. 143.

² For John Jay's April 11 report, which was read on the 13th, see *JCC*, 32:184–88.

Immediately following this entry Madison wrote: "See Journals till Teusday April 11."

James M. Varnum to John Collins

Sir,

Newyork 4th April 1787.

Agreably to your Excellency's request, I delivered to Mr. Hazard, the post master general, your note, and informed him of everything in my power relative to the subject matter to which it related. Mr. Richardson wrote to him by the same post that brought your letter, complaining bitterly of the conduct of the General assembly in not paying up the arrearages due upon the postage of public letters.¹ Mr. Hazard gave me no other satisfaction, than that he would write properly upon the matter, highly blaming the insults. The General assembly have suffered, in the opinion of many, for refusing the appointment of delegates to meet in Convention at Philadelphia.² Perhaps they will reconsider that matter in May, when an appointment will be in time. But one measure of Congress has taken place since I had the honor of writing to your Excellency, that may be deemed important. That respects the interference of the respective legislatures in obstructing the operations of the treaty with Great Britain, this business is not fully detailed; as soon as it is compleated, we will have the pleasure of communicating it.³ I say we, because Mr. Arnold has joined me. In general, it denies the power of the individual states to vary, in any measure, the conclusive acts of the United States in Congress in matters confided to them by the Articles of Confederation; And therefore, deems all acts void that bear such a complexion.

A very serious and important subject will be taken up in a few days respecting the western territory & the navigation of the Mississippi; at present, every thing essentially relating to that business is upon the secret Journals.⁴ A reduction of the Corps w[ill] also take place, in which Rhode Island will be excused from raising any troops. There is no necessity of sending forward the proof of payment upon the oxx team Certificates, or upon the pension establishment. Mr. Ellery's office is the place where proof is to be made of the payment of the specie part of the requisition of 27th Sept. 1785; and when that is done, he will issue the remaining indents. The payments to Mr

Clarke, and not credited in the Treasury books, are of two kinds principally. Interest upon public Securities of the United States, & endorsed. Certificates of the payments are necessary. The other is in the old continental Bills. The only way to obtain a credit for these, is to send forward to the Treasury the State's quota to be burnt.

I have the honor of being, with great esteem, your Excellency's most obedt. servant,

J M Varnum

RC (R-Ar: Letters to Governors).

¹ Jacob Richardson, the postmaster at Newport, had long been embroiled in controversy because of his refusal to accept Rhode Island paper money for Continental postage, and was the special object of Governor Collins' resentment at this time because of a recent incident. The two men had had a shouting match over Richardson's refusal to deliver letters to Collins until he had paid his overdue account in hard money, and the governor had taken the affair to the General Assembly. Richardson was forced to apologize for his alleged insult to the governor and paid the costs of his summons before the legislature, but he had not relented in his insistence that Rhode Island must meet the Continental requirement of paying postage in specie. Postmaster general Ebenezer Hazard reported the affair to Congress in a letter of March 29, enclosing a copy of Richardson's report on it, but Congress took no action. The two sides were already hopelessly estranged over the state's paper money policies and refusal to send delegates to the constitutional convention scheduled to meet in Philadelphia in May. See PCC, item 61, fols. 303-7; *JCC*, 32:349; and Irwin H. Polishook, "The Collins-Richardson Fracas of 1787: A Problem in State and Federal Relations during the Confederation Era," *Rhode Island History* 22 (October 1963): 117-21.

² For the Rhode Island Assembly's decision not to send delegates to the constitutional convention, see Polishook, *Rhode Island and the Union*, pp. 184-86.

³ See Charles Thomson to the States, April 13.

⁴ For John Jay's reports on these two subjects, see *JCC*, 32:184-204. See also North Carolina Delegates to Congress, March 29; and Charles Thomson to Edmund Randolph, April 30.

William Blount to John Gray Blount

Newyork April 5th 1787

I have this morning wrote to Thomas Blount¹ and informed him that I had purchased of Constable, Rucker & Co the 100 Hogsheads of Tobacco and added that I believed you meant to send the Brig John to France to his address and that you would draw on him in their favour for the purchase Mony. I wrote him this Morning by William Bayard who is gone in the English Packet. Constables Agent will soon be on and will deliver you the Tobacco and *under the Rose* he wishes you to get the best as he has sold the whole of it I believe to one Lacase² for the Farmers General.³ What he has made by his sale I am uninformed but I hope and believe something clever. Your Mill stones will be down here by the first of May and the first Opportunity will be

embraced to forward them to You by my Friend Mr. John Ramsay. I believe I shall not leave this before the 1st of May, I have sundry reasons for it tho' my wishes are very great to be in Carolina.

Your's sincerely,

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ Not found.

² Perhaps James La Caze, whose tobacco purchases and relationship with Robert Morris in 1783 are the subject of a number of documents in Morris, *Papers* (Ferguson), volume 8 (forthcoming).

³ For discussion of tobacco purchases for the French Farmers General, particularly through the network directed by Robert Morris at this time, see Jacob M. Price, *France and the Chesapeake: A History of the French Tobacco Monopoly, 1674-1791, and of its Relationship to the British and American Tobacco Trades*, 2 vols. (Ann Arbor: University of Michigan Press, 1973), 2:745-58, 766-77, especially 770-71.

James M. Varnum to John Carter

Sir,¹

Newyork April 6th, 1787.

I have been honored with your favor of the 22d March last, and have paid due attention to the law question stated in it. The Laws of Newyork respecting the doctrine of possessions is precisely the same as the Laws of England upon that subject. Sixty years quiet possession and claim will extinguish the absolute right. But disabilities arising from Coverture, infancy &c. will form deductions out of that time, so that your claim stands good, if you can make out your title. I have conversed with Colo. Burr, a very good attorney here, upon the business, & take the liberty of recommending that you apply to him, & to Colo. Hamilton, both of whom live in this City.² Mr. Arnold has joined me.³ There are several matters before Congress of importance, which, I hope, will be soon finished; such as the reductions necessary in the military establishment;—The western territory—The navigation of the Mississippi—settlement of the accounts of the United States with the individual states &c.—Our state is blackguarded here most shamefully, & without any regard to public decorum.

I am sir, with unfeigned esteem and regard, your very sincere friend, & most obedt. humble servant,

J M Varnum

RC (RPJCB: ms Amer 1787). Addressed: "Mr. Carter."

¹ Apparently John Carter (1745-1814), the publisher of the *Providence Gazette*.

² No references to Carter's case have been found in the published correspondence of Aaron Burr or Alexander Hamilton.

³ Peleg Arnold took his seat in Congress on Monday, April 9. Congress did not convene on Friday, April 6. *JCC*, 32:154-57.

Rhode Island Delegates to George Clinton

Sir,

Newyork 7th April 1787.

The undersigned, Delegates of the state of Rhode Island in the congress of the United States, complain to your Excellency of a publication in a news paper, called "the daily advertiser: political, historical and commercial," dated upon the sixth of April instant, and printed by Francis Childs in this City. The publication begins, "Quintessence of villainy; or proceedings of the Legislature of the State of Rhode Island, at their late Session." Then the printer assumes a narrative of those proceedings as extracted from the Newport Herald of March 22d. This daring insult to a Sovereign State, they consider as the most scan[da]lous of Libels, and therefore request you[r] Excellency to cause the said Francis Childs to be reprehended agreeably to the laws of the State over which you preside.¹

With the most perfect consideration, They have the honor of being, your Excellency's most obedient, & very humble servants,

J M Varnum

Peleg Arnold

RC (N: Miscellaneous Manuscripts). Written by James M. Varnum and signed by Varnum and Peleg Arnold.

¹ Rhode Island's unsavory reputation over its paper money policies can be traced to the work of many critics, foremost of whom was Peter Edes, publisher of the *Newport Herald*, whose "frankly biased and prejudiced" accounts of the assembly's proceedings from March 1787 to January 1790 were regularly republished in newspapers throughout the United States. Irwin H. Polishook, "Peter Edes's Report of the Proceedings of the Rhode Island General Assembly, 1787-1790," *Rhode Island History* 25 (1966): 33-42; and Polishook, *Rhode Island and the Union*, pp. 166-67. Francis Childs, publisher of the *New York Daily Advertiser*, subsequently explained that he had actually reprinted the "proceedings" which Arnold and Varnum condemned as a "daring insult" from the text printed in the March 28 issue of the *Massachusetts Centinel*.

Governor Clinton immediately submitted this Rhode Island complaint to the New York Assembly, which in turn referred it to a committee of the whole house, along with a memorial from Francis Childs that it received a few hours later. The committee recommended April 14 that the matter "be delivered to the Attorney-General of this State, and that he be directed, if the said [Rhode Island] Delegates shall require it, to proceed upon the . . . said complaint, in such manner as the laws of this State may warrant," which the Assembly adopted April 16 and the Senate concurred in April 17. *Journal of the Assembly of the State of New-York*, tenth session, pp. 143, 146, 162; *Journal of the Senate of the State of New-York*, tenth session, p. 90, DLC(ESR). No further action against Childs was taken however. As Arnold and Varnum later explained to Gov. John Collins, "Our views are fully answered, and we have it now in our power to gratify our feelings to the extremes of generosity." See Rhode Island Delegates to John Collins, April 24, note 7.

Rhode Island Delegates to John Collins

Sir,

Newyork 7th April 1787.

We have the honor of enclosing to your Excellency a Newspaper of yesterdays date, together with the copy of a letter which we this morning addressed to the Governor of the state of Newyork.¹ His Excellency, Governor Clinton, has laid the same before the legislature, who are now in session here. What the result will be, we know not, but could not be silent, situated as we are, when so great an indignity was offered to the highest exercise of Sovereignty in our state. Whether the measures of the General assembly, pointed at in the publication, are consistent with good policy or not, is, to us, perfectly immaterial upon the present occasion. We represent a sovereign state, and will not suffer its honor sullied with impunity. In our next, we will communicate the result of this business. And are, with great respect, your Excellency's most obedt. & very humble servants,

J M Varnum.

Peleg Arnold

RC (R-Ar: Letters to Governors).

¹ See the preceding entry

Rufus King to Theophilus Parsons

Dr. Sir:

April 8. [1787]

I intended to have requested at an earlier day that you would not connect me in the purchase of the land lottery tickets as we proposed when at Hartford. If you have not already purchased, I desire that you would omit it. I wish it was in my power to say that the affairs of the Union bore a more favorable appearance than when I saw you last; but the contrary is the fact. What the Convention may do at Philadelphia is very doubtful. There are many well disposed men from the southern states, who will attend the Convention; but the projects are so various, and all so short of the best, that my fears are by no means inferior to my Hopes on this subject.

With the highest respect and most sincere Esteem I am Dr. Sir your obt. & very hble. serv.,

Rufus King.

Reprinted from King, *Correspondence* (King), 1:218. Tr (NHi: King Papers).

James Madison to Edmund Randolph

My dear friend

N. York April 8th. 1787.

Your two favors of the 22d & 27th of March have been received since my last. In a former one you ask what Tribunal is to take cognizance of Clarke's offence?¹ If our own laws will not reach it, I see no possibility of punishing it. But will it not come within the Act of the last Session concerning treasons *and other offences* committed without the Commonwealth?² I have had no opportunity yet of consulting Mr. Otto on the allegation of Oster³ touching the marriage of French subjects in America. What is the *conspicuous prosecution* which you suspect will shortly display a notable instance of perjury?

I am glad to find that you are turning your thoughts towards the business of May next. My despair of your finding the necessary leisure as signified in one of your letters, with the probability that some leading propositions at least would be expected from Virga. had engaged me in a closer attention to the subject than I should otherwise have given. I will just hint⁴ the ideas which have occurred, leaving explanations for our interview.

I think with you that it will be well to retain as much as possible of the old Confederation, tho' I doubt whether it may not be best to work the valuable articles into the new System, instead of engrafting the latter on the former. I am also perfectly of your opinion that in framing a system, no material sacrifices ought to be made to local or temporary prejudices. An explanatory address must of necessity accompany the result of the Convention on the main object. I am not sure that it will be practicable to present the several parts of the reform in so detached a manner to the States as that a partial adoption will be binding. Particular States may view the different articles as conditions of each other, and would only ratify them as such. Others might ratify them as independent propositions. The consequence would be that the ratifications of both would go for nothing. I have not however examined this point thoroughly. In truth my ideas of a reform strike so deeply at the old Confederation, and lead to such a systematic change, that they scarcely admit of the expedient.

I hold it for a fundamental point that an individual independence of the States is utterly irreconcilable with the idea of an aggregate sovereignty. I think at the same time that a consolidation of the States into one simple republic is not less unattainable than it would be inexpedient. Let it be tried then whether any middle ground can be taken which will at once support a due supremacy of the national authority, and leave in force the local authorities so far as they can be subordinatedly useful.

The first step to be taken is I think a change in the principle of representation. According to the present form of the Union, an equality of suffrage if not just towards the larger members of it, is at least safe to them, as the liberty they exercise of rejecting or executing the acts of Congress, is uncontrollable by the nominal sovereignty of Congress. Under a system which would operate without the intervention of the States, the case would be materially altered. A vote from Delaware would have the same effect as one from Masss. or Virga.

Let the national Government be armed with a positive & compleat authority in all cases where uniform measures are necessary. As in trade &c. &c. Let it also retain the powers which it now possesses.

Let it have a negative in all cases whatsoever on the Legislative Acts of the States as the K. of G. B. heretofore had. This I conceive to be essential and the least possible abridgement of the State Soveriegnities. Without such a defensive power, every positive power that can be given on paper will be unavailing. It will also give internal stability to the States. There has been no moment since the peace at which the federal assent wd have been given to paper money &c. &c.

Let this national supremacy be extended also to the Judiciary departmt. If the judges in the last resort depend on the States & are bound by their oaths to them and not to the Union, the intention of the law and the interests of the nation may be defeated by the obsequiousness of the Tribunals to the policy or prejudices of the States. It seems at least essential that an appeal should lie to some national tribunals in all cases which concern foreigners, or inhabitants of other States. The admiralty jurisdiction may be fully submitted to the national Government.

The supremacy of the whole in the Executive department seems liable to some difficulty. Perhaps an extension of it to the case of the Militia may be necessary & sufficient.

A Government formed of such extensive powers ought to be well organized. The Legislative department may be divided into two branches: One of them to be chosen every years by the Legislatures or the people at large; the other to consist of a more select number, holding their appointments for a longer term and going out in rotation. Perhaps the negative on the State laws may be most conveniently lodged in this branch. A Council of Revision may be superadded, including the great ministerial officers.

A National Executive will also be necessary. I have scarcely ventured to form my own opinion yet either of the manner in which it ought to be constituted or of the authorities with which it ought [to be] clothed.

An article ought to be inserted expressly guarantying the tranquility of the States agst. internal as well as external dangers.

To give the new system its proper energy it will be desirable to have it ratified by the authority of the people, and not merely by that of the Legislatures.

I am afraid you will think this project, if not extravagant, absolutely unattainable and unworthy of being attempted. Conceiving it myself to go no farther than is essential, The objections drawn from this source are to be laid aside. I flatter myself however that they may be less formidable on trial than in contemplation. The change in the principle of representation will be relished by a majority of the States, and those too of most influence. The Northern States will be reconciled to it by the *actual* superiority of their populousness: the Southern by their *expected* superiority in this point. This principle established, the repugnance of the large States to part with power will in a great degree subside, and the smaller States must ultimately yield to the predominant Will. It is also already seen by many & must by degrees be seen by all that unless the Union be organized efficiently & on Republican Principles, innovations of a much more objectionable form may be obtruded, or in the most favorable event, the partition of the Empire into rival & hostile confederacies, will ensue.

FC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:368–71.

¹ Randolph's letters of March 22 and 27 are in *ibid.*, pp. 328, 335. His "former one" of March 15 has not been found. For "Clarke's offense," see Charles Thomson to Randolph, April 30, note 1.

² In its October 1786 session, the Virginia assembly passed an act concerning "treasons, felonies, and other offences" committed by citizens outside the jurisdiction of the state's common law courts. Such cases would be tried by the general court "as if the said offences had been committed within the body of a county." See Hening, *Statutes*, 12:330–31.

³ That is, Martin Oster, French vice-consul at Richmond, Va.

⁴ At this point in the letter Madison later inserted an asterisk to which he keyed the following: "See letter of J.M. to Mr. Jefferson of March 19, 1787 on the same subject. See also letter to Genl. Washington 16. Apl. 1787."

Rufus King to Elbridge Gerry

Dr Sir,

New York 9th. Apl. 1787¹

Congress this day resolved to disband all the Troops raised in pursuance of the resolutions of October last except Two companies of artillery to be formed from the Recruits of Massachusetts & marched to Springfield for the protection of the federal Magazine at that Place.²

I have entertained many Doubts relative to the policy of this measure considering the situation of Massachusetts; and the condition of

the Confederacy—our State voted against the measure, but we were almost singular.

I am extremely mortified with the Disappointments which this arrangement will produce with the worthy Gentlemen who have laid aside other concerns and engaged as Officers in this Corps.

Farewel,

R King

RC (NHi: King Papers).

¹ King also wrote the following brief note to Gerry on April 4. "Dr Gerry, My fears relative to the administration of our dear Massachusetts exceed my hopes. Farewel, R King." King Papers, NHi.

² See *JCC*, 32:158–60.

James Madison's Notes of Debates

Teusday April 11 [10] [1787].

Mr. Kerney moved that Congs adjourn on the last Friday in April to meet on the day of May¹ in Philada. Georgia, N.C., Va., Delre., Pena., N. Jersey & R.I. were for it. The merits of the proposition were not discussed. The friends to it seemed sensible that objections lay agst. the particular moment at which it was proposed, but considering the greater centrality of Philada. as rendering a removal proper in itself—and the uncertainty of finding 7 States present & in the humour again, they waved the Objections. The opinion of myself was that the meeting of the ensuing Congs. in Philada. ought to be fixed, leaving the existing Congs. to remain throughout the federal year in N. York. This arrangemt. wd. have been less irrita[t]ing, and would have less the aspect of precipitancy or passion, and wd. have repelled insinuations of a personal considerations with the members. The question was agd. to lie over till tomorrow.²

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:372.

¹ Actually, "the first Monday in June," for which see *JCC*, 32:167.

² The decision to have this question "lie over," which was moved by the Massachusetts delegation, was apparently contested by Madison. According to the journals of Congress, the motion on the issue, which involved an interpretation of article 22 of the congressional rules of order, was offered by Abraham Clark and seconded by William Grayson. But the editors of Madison's *Papers* discovered that the motion is actually in the hand of Madison, who secured Clark's cooperation in submitting it to Congress, for which see Madison, *Papers* (Rutland), 9:371–72; *JCC*, 32:170; and PCC, item 36, 3:343–44.

Rufus King to Elbridge Gerry

My Dr. Sir

(confidential)

N York 11 Apl. 1787

I informed you some Time since that the injurious Influence of 1783 would be again experienced by the present Congress. It appears to me most evidently that every State south of this is decidedly under this Influence. Rhode Island at present represented by Genl. Varnum & a Mr. Arnold will desert that wise policy which has been so often and so successfully opposed to political Vice & Degeneracy, and will unite in measures foreign to the true Interest of the Union, & nearly allied to corruption.

A question was yesterday moved to adjourn Congress on the last Friday of this Month to meet at Philadelphia on the first Monday in June¹—six States south of this are represented. I moved to strike out the place of meeting and called the Yeas and nays on the words standing; to my astonishment Rhode Island voted that they shd. stand, and the six States south of this joined in the vote of Rhode Island. From this vote it was clear that there were seven States in favor of adjourning to Philadelphia. We postponed the Question in right of Massachusetts until this Day;² and successfully employed the interim in detaching *for the present one* of the R. Island Delegates from his Vote of Yesterday.

The Subject was therefore farther postponed by order of the house; I fear Rhode Island will yet vote for this pernicious measure, or that on the arrival of Maryland it will be carried.

We have a public Letter from Mr. Adams soliciting leave to come home;³ I think he will return in the Spring of 1788 when his commission will expire. In a private letter to the Delegates of Mass. he desires them to promote his recall, as he declares he will return at the expiration of his Commission.⁴

Farewel,

R King

RC (NHi: King Papers).

¹ See *JCC*, 32:167–70.² See *ibid.*, p. 171; and the preceding entry, note 2.³ This January 24 letter from John Adams, along with dispatches of January 9 and February 3, was laid before Congress this day by the secretary for foreign affairs John Jay. See *JCC*, 32:174; and *PCC*, item 84, 6:363–65, 392–95, 419–21.⁴ This January 25 letter to the Massachusetts delegates is in Adams, *Works* (Adams), 8:425.

Rufus King to Jeremiah Wadsworth

Dr. Sir

New York 11th Apl. 1787.

I was much disappointed with the sudden & unexpected return of

Col. Humphreys;¹ I wished to have conversed with him on the subject of the late military Establishment; I say late, since congress have resolved to disband all the Troops raised in pursuance of the Resolutions of October last, except two companies of Artillery to be formed out of the Levies of Massachusetts, and to be posted for the present at Springfield. I was opposed to this reform, notwithstanding the evident difficulty of supporting the whole of the Troops which had been recruited, being of Opinion that the whole should be retained in Service, or the whole discharged.

I am sincerely affected with the versatility of this measure, as well as with the Disappointments, which the Officers will suffer, who have engaged in the Establishment.

Massachusetts & Rhode Island voted against this measure, all the other States were in favor of the Reduction.

I pray you to present my affectionate Regards to Mrs. Wadsworth and Your good family, and to be assured that Mrs. King & myself cherish the most pleasing remembrance of the kind civilities we received from your Hospitality & Politeness.

With sincere Esteem I am Dr. Sir, your's respectfully,

Rufus King

RC (CtHi: Wadsworth Papers).

¹ That is, David Humphreys.

James Madison's Notes of Debates

Wednesday April 12 [*i.e.*, 11, 1787].¹

Mr. Varnum moved that the motion for removing to Philada. should be postponed generally. As the assent of R.I. was necessary, to make seven States, no one chose to press a decision:² the postponement was therefore agd. to nem. Con. and the proceedings of yesterday involving the yeas & nays on some immaterial points struck from the Journals.³

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:375.

¹ See *JCC*, 32:171; and Madison's Notes of Debates, April 10.

² Peleg Arnold had refused to join James Mitchel Varnum in making Rhode Island the seventh and deciding vote in favor of the motion, for which see Rufus King to Elbridge Gerry, this date.

³ Immediately following this entry Madison wrote: "See Journal till April 18th Wednesday."

Massachusetts Delegates to James Bowdoin

Sir

New York 11. Ap. 1787

We do ourselves the Honor to transmit to your Excellency by the earliest Opportunity the inclosed Act of Congress of the 9th instant,¹ and are with perfect respect your Exc. Obt. & very Hble Servts,

R King

Nathn. Dane

RC (M-Ar: Revolutionary War Letters). Written by King and signed by King and Dane.

¹ That is, the act discharging the troops (except two companies of artillery) authorized October 20, 1786, to meet the Shaysite threat to Massachusetts, which King and Dane and the Rhode Island delegates opposed. See *JCC*, 32:158-60.

Edward Carrington to Edmund Randolph

Sir,

New York Apl. 12. 1787

Your Excellencies favor of the 4th Instant this moment came to hand.¹ The post is just going out, and therefore I have not time to say more, in addition to this acknowledgement, than that Congress yesterday appointed Mr. John Pierce, late Paymaster General, to succeed Mr. Fox who has resigned, and he will set out immediately to Virginia.² I shall do myself the Honor to write you more fully tomorrow, and will then enclose the resolution for the appointment.

I have the Honor to be your Excellencies Most Obt. Servt.,

Ed. Carrington

RC (Vi: Continental Congress Papers).

¹ For Randolph's April 4 letter to the Virginia delegates, see Madison, *Papers* (Rutland), 9:366.

² Edward Fox, commissioner for settling Virginia accounts relating to the western territory, had appealed to Congress for an augmentation of his salary but was rebuffed by the board of treasury. When he carried out his threat to resign his commission, Congress ordered that his duties be assumed by commissioner of army accounts John Pierce at the salary previously allotted Fox. See *JCC*, 32:43n, 165-66, 171-72; and Carrington to Randolph, April 13, note 2. For the context of this issue, see Carrington to Timothy Pickering, April 16, 1786.

William Samuel Johnson to Samuel William Johnson

My Dear Son,

New York April 12th. 1787.

You have been very good in writing to us so frequently for which we

are extremely obliged to you, tho' we have been very unfortunate in not having yr. Letters arrive so speedily as we wish'd. That of Jany. came first, but not till late in Feby. & those of Decr. did not reach us till March. The last indeed Dated in March, had a pretty speedy passage.¹ We have been equally unfortunate in not having had Opportunities to write to you. Unluckily, we never once heard of young Mr. Stewarts being in Town till he must have arriv'd amongst you, & since that there has been no Conveyance that we could find till the present. Blessed be God that tho' late we learn'd that tho' you had a disagreeable Passage you enjoy'd good health, the first of all temporal blessings, & was as prosperous in your affairs as you could expect. By the favour of the same good providence we also have been very well except slight Indispositions. I, in particular, have had some Attacks of the Gout, but upon the whole they have been but moderate, & have never confined me for any time. Our Winter commenced very soon after you left us, was severe, especially the forepart of it, & has been long & disagreeable, but now Spring opens upon us pretty promisingly. Nothing very material has occur'd to us. Your Brother was admitted to the Bar in Janry (tho' not of full age) with applause, & I hear begins to appear to good advantage before the Justices, arbitrators &c. But alas! the Law they say is failing fast in Connecticut. They had but 25 new Actions at New Haven in Janry. last. In Massachusetts it is ruin'd by their Commotions, in Rhode Island & N. Hampshire by their Paper Money & Poverty, so that their ablest & oldest Lawyers cannot procure a support by their Profession. There they have receiv'd a severe blow in the present session of their Legislature, which has struck off many of their Emoluments. I shall not therefore send you their last Table of Fees but that of 1786 which is that I presume you desired. In general, throughout our States, in proportion as our Governments relax, & we grow licentious & embarrass'd in our affairs (which by the way seems everywhere encreasing) a Clamour is excited against the Lawyers & attempts are made to diminish their profits & injure the Profession. How this is to end I know not. We are to have a Convention of Delegates from the States at Philadelphia in May to endeavour to strengthen our federal Government & restore our affairs. To this Measure all the States have acceded except Rhode Island, which has refused to send Delegates, & Connecticut which has not yet had the subject before them, nor can till the Assembly meets next Month. But whether they will be able to put us upon a better footing, appears to me very problimatical at present, & if they do not, our disorders & difficulties will for some time at least rapidly encrease. These prospects afford you but little encouragement at present to return to us. Yet I see both by your & Mr. Stewarts Letters, what you will remember struck me early & which I objected to the first proposal of your going there with a view to practice, that from the smallness of the Island &c your Field is too confined. I have flatter'd myself especially

since Mr. Stewart was appointed there that the Field would be enlarg'd by opening the Port to America, which would no doubt be beneficial to Britain as well as to the Island. I am not willing yet to despair of it, but if it is not done, & upon some further trial you find it will not do there you must return to us bad as our prospects here may be. Your being so much cut off from your Connections will be a powerful Motive to all of us to induce it, perhaps more powerful than perfect prudence would justify. Let us then wait a while in attentive observation to discover what Providence may seem to point out to us, & in the mean time continue to communicate as you have done, the remarks that occur upon circumstances there, all which I will consider as well as I can & accordingly advise you.

Mr. Stewart I see has proved himself the good Friend I tho't he would, I cannot therefore, but regret extremely that you are so soon obliged to part with him, & fear that he may not speedily return again to you. Let us however hope the best. Mr. Van Dam too another valuable Friend I see is not reconciled to his situation there. The Legislature of this State are about repealing, if they have not already done it, that part of their Trespass Act which prohibited the production of any Military Order in Justification of Acts done during the War, so that if he has one, he may now plead it in Bar of the Demands made upon him & return in safety to N York. At any rate, he would be perfectly safe either in Jersey or Connecticut, if the critical situation of our public affairs dos not discourage him from settling again amongst us.

I hoped to have sent you some Corn by this Opportunity, but the Captain says he has no room for it, so that I fear I shall have nothing to send you unless it be a great Number of News Papers, which I wish might afford you some amusement since I can give you at present nothing else. Yr. Letter mentioning Garden Seeds to be sent so as to arrive in Feby. not having come to hand till March that plan is at an end but Mamma I doubt not will send some to be ready against Augt. the next Term you mention as well as the other things you wish for whenever it is possible. Mention to us whatever you need, & be assured we shall with pleasure do all in our Power to supply your wants. You say nothing of Money matters, you will draw on me if you have occasion. The Letters you enclosed me were immediately forwarded.

I have Letters of Tuesday last from Stratford acquainting me that they were all well, & that Mamma intended making a Visit here very soon. Charles has been to Middletown to look after your affairs there, but I fear I shall have no accounts from him to forward you by this conveyance.² I send you in the Box with the News Papers, Atkyns's Reports which I just now met with, the N York Fee Act, Some green Silk from Betsey & Gain's Register which Majr. Alden sends you, & begs you will excuse his not writing by this conveyance, as by Mr. Thompsons Illness, he is incessantly engaged in the business of the office. I

enclose you a Report from our Secretary of Foreign affairs which Congress have just now adopted, & which I trust will do us some Honour. Your Dear Mamma writes me she has a Box of Provisions to send you, but they probably cannot arrive so as to go by this Vessel. We all join in the Tenderest Love to you, & I am with Compliments to Mr. Van Dam & all Friends, yr. most affectionate Father & Friend.

Wm. Saml. Johnson

April 14th. We all continue in Health, & I repeat our tenderest affections, & best Wishes for you. Betsey is writing but Compy. interrupts her & I fear her Letter may come too late as the Capt. sends word it must be on Board immediately.

RC (CtHi: Johnson Papers).

¹ "Billy" had established his residence and a law practice in Bermuda.

² In a brief letter of April 15 to his son Charles, Johnson wrote: "I am glad to find affairs succeeded so well with you, both at Court, & at Middletown & wish you had written your Brother on Account of yr. proceedings relative to his Farm, as there is a Vessel sails for Bermuda tomorrow Morning. I have mention'd to him that you had been there &c, but you must give him a particular account of what occur'd by the next Conveyance. By all means accept of Eph[raim] Peels offer." And on the 29th he wrote to Charles again with advice on some legal matters and potato planting. Both letters are in the Johnson Papers, CtHi.

William Blount to John Gray Blount

Newyork April 13th 1787.

This comes by a Vessel bound to Edenton Capt. Ferguson who I have requested to forward it from the Barrer either to NewBern or Washington.

On Thursday next if not before a Brig will [sail] f[rom] this for Washington to receive there a Load of the Public Tobacco on which will come Passenger Mr. Robert Stewart impowered by the Purchasers to receive and Ship the whole of it. I shall at the Request of Mr. Constable give him Letters of introduction to you. In this Brig your Mill Stones will come. The Purchasers as yet have not been able to take up any other Vessel but are daily on the Watch so that I suppose several will soon follow Mr. Stewart. I have been for this week confined most in doors with my old Complaint of Cold in my face and jaw and in much Pain, my Throat has been much inflamed and very painful but today I am much better.

I need not tell you I have wrote this in haste. I will write you by Stewart as well as to Molsey. Ashe presents his Compliments. Hawkins is out or I am sure he would.

Your's &c,

Wm. Blount

E N C L O S U R E

I have this day recived a Letter from Thos Blount which contains the following passages.

"Mr. Eyre is now confined in the King's Bench & his former Partners Atkinson & Walton are Bankrupts, so that all Letters which come directed to him or them are put immediately into the hands of Trustees appointed by their Creditors who cannot yet open them without Mr. Eyre's Consent, which he obstinately refuses to give and from his past Conduct I have reason to believe he will give me as much trouble as he can. Without Exception he is the greatest Villain in England. He has ruined the Credit of Fulware Skipwith & Co and embezzled between 5 & 600£ of their Mony which s[u]m they will never be able to recover. I think it abs[olutely] necessary to settle our a/c with F S & Co with all possible Expedition & for that purpose have here determined to stay [in] Europe till Remittances come forward which I hope to receive by the Middle or end of June at farthest. Upon our Punctuality depends our Credit. I yesterday wrote J G Blount and informed him I was perfectly destitute of Mony which is truly the Case therefore prey urge him to be speedy in remitting me the sum I wrote for. If he is not I shall be soon draged to prison for an American can't have Liberty a Single Moment longer than he has Mony. I shall possibly stay here till our debt is paid, be that long or short that if necessary I may afterwards make other Correspondents."

The above is dated London Feby. 7th 1787

RC and enclosure (Nc-Ar: Blount Papers).

Edward Carrington to Edmund Randolph

Sir,

New York April 13. 1787

A misapprehension as to the tour of Correspondence with your Excellency, which I understood to be weekly instead of monthly, occasioned me to neglect writing last Monday, and I must beg the favor of you to pardon me for the neglect.

I now do myself the honor to acknowledge the receipt of your favor of the 22d Ult.¹ The Act of the Executive upon the subject of the Illinois Accounts, was laid before Congress, together with some communications from Mr. Fox to the Board of Treasury, requesting an Augmentation of his pay, and signifying his intention to decline any further attendance in case of refusal, whereupon the inclosed resolutions were adopted for sending the Commissioner of Army Accounts

upon that business. Mr. Pierce has served for many years as Paymaster General & Commissioner of Army Accounts, and is distinguished for his abilities and integrity.²

The reduced State of our Treasury has rendered it advisable to discharge all the Troops that have been enlisted under the Resolutions of the 20th of October 1786, except two companies of Artillery, to be formed out of those raised in Massachusetts. These are to be stationed, at present, at Springfield and West point. This is a disgusting measure to the disbanded Troops, and it was distressing to Congress to adopt it, but had they been retained the event must have been met at last under accumulated inconveniencies and embarrassments to both parties. We are considerably in arrears to those stationed on the Ohio, nor have we a prospect of paying them.

The February packet of his Most Christian Majesty, Arrived here last Monday Morning from Havre de Grace. Colo. Franks the bearer of the public dispatches from Paris, informs that before the sailing of the Packet, accounts were received at Havre, of the death of the Count Vergennes—our letters from Mr Jefferson mention his indisposition, and that it occasioned great anxiety.³

His Most Christian Majesty has adopted the measure of a general convention upon the national concerns—the meeting of the notables was to have been on the 29th of January, but was put off to the 7th or 8th of February. This is an important event from which, it is said, some expect great things, others nothing. Our Friend the Marquis de la Fayette was originally placed on the list, afterwards his name disappeared, but was finally reinstated. It seems his education in the American School draws on him the jealous Eye of some whose principles are more assimilated to their own despotic government; He has, however, the favourable disposition of the King and the good will of the people. He is the Youngest Man upon the list of Notables except one, whose Office placed him there. This is a distinction no less honourable and flattering to *us* than *him*.

Mr. Jefferson Observes that the Tumults in America have not produced those unfavourable effects upon the public opinion in Europe, which might have been expected. On the contrary the small effect they had, and the interposition of the people on the side of government, have given an additional confidence in the firmness of our Governments.

The inclosed papers contain a Speech of a Mr. Harrison against the Vermont Bill, or rather in behalf of non residents who held lands there, and one of Colo. Hamiltons in answer thereto.⁴

I have the Honor to be, with great respect & esteem, Your Excellencies Most Obt. Servt.,

Ed. Carrington

ing with the treaty obligations entered into by the United States under powers contained in article 9 of the Articles of Confederation.

For another instance of the violation of a treaty by an individual state, which led the Dutch minister to protest a Virginia law infringing most-favored-nation commercial privileges guaranteed by treaty with the United States, see Virginia Delegates to Edmund Randolph, March 5, note 1.

William Pierce to St. George Tucker

Dear Sir

New York, April 14th. 1787.

I received your Letter by our mutual Friend Colo. Carrington. I wish I could return you thanks in person for your civil congratulations on my appointment to Congress. Why should fate so order things as to direct your views last Summer this way,¹ and not to permit you to come to New York this Summer? It would make me very happy to take you once more by the hand before we *go hence, and be no more seen*.

Better than five years have passed away since I have had the honor of looking on that pleasant and good-humoured face of yours.² I wish much to know if time has made any furrows in it, or whether age has placed a gloom on that brow, which used to be the seat of mirth. Surrounded by a numerous Family, I can easily conceive of your additional importance, and approve it, but I never can give my cons[ent] that time or circumstances shall interrupt [. . .] good-humour or happiness. Be then what [may] ever have been, the comfort of your Family, the pride of your Friends, and the Supporter of your own felicity. I promise you that when you shall have gone your round, and death shall lay his leaden hands upon you, I will engrave in lasting characters on your Tomb, that, which was never applied but to the greatest Man that ever lived, "*Hic cinis ubique fama*."³

The season being near at hand for the meeting of the Convention little else is talked of in this quarter but the changes that will likely take place in our federal Government. It is certain that the confederation is very incomplete, and deficient in point of energy, but I fear we shall meet with great difficulties in amending it. The different States will not make such a surrender of their sovereignty as may be found necessary to give the federal head complete weight in the Union. Nothing will produce such a surrender but a sense of the greatest danger. But for the present I shall forbear to say any thing farther about it.

Congress have recommended to the several States to repeal all Laws that are in contravention of the treaty. In a little time your Executive will have the circular Letter together with the resolutions on that subject.⁴ I hope the different States will see the propriety of this measure. National honor and public faith demanded it of Ci[vil] and private justice, and federal prop[riety] ought to induce the different States to g[ra]nt it.

To-morrow Evening will be exhibited at the Theatre here a new American Comedy called the Contrast, written by a Majr. Tyler a young Gentleman from Boston.⁵ The curiosity of the whole City is awakened on the occasion, and parties are already forming to damn or to support the play. I think it will be received with eclat, as I have had an opportunity of hearing it read. The unities are well observed, the dialogue easy, and the incidents flow rapidly and connectedly together. There is a great deal of humour in it, and the whole is marked with a novelty and originality that strike very forcibly. The Major finished this play in Six Days. It is divided int[o] five Acts, and is as long as the West Ind[ies]. If Shakespear is so much to be applau[d]ed for writing the Merry-wives of Windsor in six Weeks, how much more ought our young American Writer to be admired for writing the Contrast in six Days?

Please to offer my best respects to your Lady in which Mrs. Pierce joins me, and believe me to be, Dr. Sir, Your Friend & humble servt,
Wm. Pierce.

RC (ViW: Tucker-Coleman Papers).

¹ For Tucker's visit to New York in the summer of 1786, see Virginia Delegates to Patrick Henry, July 17, 1786, note 5.

² Pierce, who had been an aide-de-camp to Nathanael Greene during the war before settling in Georgia, was originally from Virginia. *DAB*.

³ That is, his ashes are here, his fame everywhere.

⁴ See the preceding entry.

⁵ Royall Tyler (1757-1826), who had studied law under Francis Dana and served on Gen. Benjamin Lincoln's staff in the suppression of Shays's Rebellion, had come to New York on a mission for Gov. James Bowdoin when he penned the first comedy by a native American. It was subsequently published in 1790. See *DAB*; and Evans, *Am. Bibliography*, no. 22,948.

James Madison to Edmund Randolph

My dear friend

N. York April 15. 1787

Your favor of Apl. 4¹ has been recd since my last. The probability of Genl. Washington's coming to Philada. is in one point of view, flattering. Would it not however be well for him to postpone his actual attendance untill some judgment can be formed of the result of the meeting. It ought not to be wished by any of his friends that he should participate in any abortive undertaking. It may occur perhaps that the delay would deprive the Convention of his presiding auspices and subject him on his arrival to a less conspicuous point of view than he ought on all occasions to stand in. Agst. this difficulty must be

weighed the consideration above mentioned, to which may be added the opportunity which Penna. by the appt. of Doctr. Franklin has afforded of putting sufficient dignity into the Chair.

The effect of the interposition of Congs. in favor of the Treaty at this crisis was foreseen by us.² I would myself have preferred a little procrastination on the subject. But the manifest and undeniable propriety of the thing itself, with the chance that the Legislature here which will adjourn in a little time untill next winter, & which is one of the principal transgressors, may set an immediate example of reformation, overruled the arguments for delay.³ The difficulties which as you suggest may be left behind by a mere repeal of all existing impediments, will be probably found of a very serious nature to British Creditors. If no other advantage should be taken of them by the State, than the making the assent of the Creditors to the plan of instalments, a condition of such further provisions as may not come within the Treaty. I do not know that the existence of these difficulties ought to be matter of regret. In every view Congs. seem to have taken the most proper course for maintaining the national character, and if any deviations in particular States should be required by peculiar circumstances, it will be better that they should be chargeable on such States, than on the U. States.

The Maryd. Assembly met on the 2d inst. being convened by proclamation. The expected delay therefore in her appointments for the Convention, can not be admitted among the considerations which are to decide the time of your setting out. I am sorry that punctuality on your part will oblige you to travel without the company of Mrs. Randolph. But the sacrifice seems to be the more necessary as Virga. ought not only to be on the ground in due time, but to be prepared with some materials for the work of the Convention. In this view I could wish that you might be able to reach Philada. some days before the 2d Monday in May.

This City has been thrown into no small agitation by a motion made a few days ago for a short adjournment of Congs. and the appointment of Philada. as the place for its reassembly. No final question was taken but some preliminary questions showed that six States were in favor of it. R. Island the 7th State was at first in the affirmative, but one of its delegates was overcome by the exertions made to convert him.⁴ As neither Maryland nor S. Carolina were present the vote is strong evidence of the precarious tenure by which N. York enjoys her metropolitan advantages. The motives which led to this attempt were probably with some of a local nature. With others they were certainly of a general nature. I found on my arrival here among the Southern Gentlemen a heavy complaint of the preponderance given to the Eastern Scale by the very excentric position of Congs. and a determina-

tion to seize the first moment for taking a position in which the equilibrium would be less violated. The indignation of N. Jersey & of R. Island agst. N. York, presented this moment, & the experiment was accordingly made. It can not be denied that very substantial inconveniences arise to the Southern States from their remoteness from the seat of Government, both with respect to the attendance of their delegates and the various intercourse of business within the federal administration, and that from the nature of things, the interests and views of the States nearest to Congs. will always press more on their attention, than those of more distant. Had Congs. been sitting last fall at Fort Pitt, it is morally certain in my opinion that a surrender of the Mississpi. wd. not have had two votes: to these considerations may be added the improbability that the Eastern States will ever consent to remove Congs. to a proper permanent seat whilst they can retain them here. But notwithstanding this view of the matter, the objections agst. the suddenness of the measure & the peculiarity of the present crisis, appeared to me in so strong a light that I should certainly have voted agst. it, had the probability been less that by waiting for a proper time, the proper measure might be lost altogether. The plan which appeared least objectionable to me was, to fix Philada. for the meeting of the ensuing Congs. in Novr. next, and if the immediate removal had been carried, I meant to have proposed such an alteration which would have been readily agreed to by the opposite side.

Mr. {Jay}⁵ was a few days ago {instructed to communicate to Congress} the {state} of the {Spanish negociation}.⁶ An {unwilling but silent assent} was given by {Massachusetts} and {Connecticut}. The {report shews} that {Jay viewed} the {act of seven states as valid} & has {even adjusted} with {Guardoqui} an {article} for {suspending our use} of the {Mississippi during} the {term of} the {Treaty}. A subsequent {report on a reference} of {western} information from {Virginia and North Carolina} denotes little confidence in the {event of} the {negociation} and considerable {perplexity} as to the {steps} proper to be taken {by Congress}.⁷ Wednesday} is fixed for the {consideration of} these {reports}. We mean to propose that {Jefferson be sent} under a {special commission} to {plead} the {cause of} the {Mississippi at Madrid}.⁸

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Rutland), 9:378–80.

¹ That is, Randolph's private letter to Madison of this date, for the governor also wrote two letters to the Virginia delegates on April 4. See *ibid.*, pp. 364–67.

² See Charles Thomson to the States, April 13.

³ Although the New York Assembly succeeded on March 21 in repealing portions of the Trespass Act of 1783, its attempt on April 18 to pass a more general bill conforming to the resolutions of Congress and overriding laws in conflict with the peace treaty

failed when it was rejected by the Senate. See Hamilton, *Papers* (Syrett), 4:121–22, 150–53.

⁴ See Madison's Notes of Debates, April 11, note 2.

⁵ Words printed in braces in this text were written by Madison in cipher.

⁶ See Madison's Notes of Debates, April 4. John Jay's April 11 report was considered the 13th. *JCC*, 32:185–89.

⁷ Jay's "subsequent report on . . . information from Virginia and North Carolina" was also considered the 13th, for which see *JCC*, 32:189–204.

⁸ See Madison's Notes of Debates, April 18.

Edward Carrington to Edmund Randolph

Sir, New York Apl. 16. 1787

Your Excellencies favor of the 4th Inst.¹ enclosing a list of Pensioners came to hand this morning together with the talk to the Cherokee Indians alluded in that which I had the honor to acknowledge the receipt of a few days past.²

We shall do ourselves the honor to lay before Congress all the intelligence you have been pleased to transmit respecting the Cherokee Indians, as the best excuse for the steps you have pursued. It is certainly the duty of the Indian Agents to Correspond with the Governors of the different States, in cases where they may, respectively, be concerned, and I cannot account for the neglect of Doctor White,³ within whose district the Cherokees are, in the present instance, except that his time and attention have been engrossed by the more Southern Nations, whose Hostilities upon the Frontiers of Georgia, more especially occasioned his appointment. We shall take care to call the attention of Congress to this circumstance.⁴ Congress last week, agreed to a circular letter to the States, upon the subject of the Treaty with Great Britain, which your Excellency will receive from the President.

I have the Honor to be, with great respect, Your Excellencies Most Obedt. Servt., Ed. Carrington

RC (Vi: Continental Congress Papers).

¹ For Randolph's second letter of April 4, see Madison, *Papers* (Rutland), 9:367.

² Randolph had forwarded the "talk to the Cherokee Indians" to the Virginia delegates, apparently without a covering letter, on April 6. He had alluded to the need for such a representation to the Cherokees in his first letter of April 4 which Carrington had acknowledged on the 12th. See *ibid.*, p. 366, especially notes 1 and 2.

³ That is, James White, superintendent for Indian affairs for the southern department.

⁴ On April 18 the Virginia delegates laid before Congress Randolph's March 27 letter concerning depredations by the Cherokee Indians together with copies of a letter from former Indian agent Joseph Martin to Randolph and Randolph's written "speech" to the Cherokees. See *ibid.*, p. 336; and *JCC*, 32:214n.3.

William Grayson to William Short

Dr Sir.

N. York Apl. 16 1787.

It is not for want of attention or respect that I have so long declined writing to you: my silence has been owing to a very different cause. I have understood that every letter which goes from this country to France is opened at some of the Post Offices for the information of Government.

A few hours sinc[e] I understood that Mr. Paine was to go in the French packett, in the morning so that I am much harried.

I am sorry to inform you that American affairs in general wear the worst aspect you can possibly concieve. The people discontented, The public treasury without money, *(and laws in several of the States but faintly executed)* and the states either refusing or not complying with the requisitions of Congress. Jersy last year rejected the requisition: & Connecticut this. Only Virginia, N. York & Pensylvania. pay any thing towds. the support of Governmt. through their means the Dutch Interest & Civil list of the U. States have been paid since I have been in Congress: The rest of the Union appear to be in a *(stupid)* insensible languor as to money supplies.

The much talked of 5 Per Ct Impost has been rejected by N. York: & if she had passed it it would have availed little as Pensylvania has coupled it with the supplementary funds, & will I believe never separate the one from the other.

Congress annually vote requisitions for the foreign & domestic interest which are totally disregarded. It appears to me there is a considerable party in every State agt. the payment of the domestic debt: & though this matter has shewed it self openly only in Massachusets yet I am satisfied *(the same cause exists most generally & would be drawn forth by pressure of taxation)* a vigorous taxation would produce the same affect in many of the other states. Connecticut would have been in the situation of Massachusetts if she had passed the requisition. I dont pretend to say that the domestic debt is the only cause of discontent. I believe a dislike to the payment of private debt to be equally prevalent. Rhode Island has issued paper money to satisfy her people which has depreciated amazingly: North & So. Carolina & N. York & Jersey did this some time since & Maryland is now about doing it. Upon the whole it seems to be the current opinion that however excellent democratical governments may be in some respects, the payment of money & the preservation of the public faith is not among their good qualifications.

Congress have lately recommended a meeting of deputies to revise the foederal constitution: they are to assemble the 2nd Munday

in May next at Philada. It is said Genl. Washington (if he attends) will be Presidt.; if not Doctr. Franklin; There are as great expectations here from the result of their deliberations as I presume there are in France from the Notables. I believe the whole will terminate in nothing; either the Assembly will not agree, or if they do agree, the States will not ratify; our distresses are not sufficiently great to produce decisive alterations. Besides the more slack the government the better the people like it; of course they will not give up any power which will prevent them from being compelled to make satisfaction to their Creditors. They may perhaps go as far as granting the regulation of commerce to Congress, under such conditions, limitations & restrictions as in all probability will render the exercise of the power impracticable.

Some of the gentlemen of the Convention are here & I have conversed freely with them as to the reform; they are for going a great way. Some of them are for placing Congress in loco of the King of G.B.—besides their present powers—for giving them a perpetual duty on imports & exports. Figure to yourself how the States will relish the idea of a negative on their laws &c &c &c.

Congress have lately determined on the representation of the Court of G.B. respecting the infractions of the treaty; & have recommended to the States in the most pointed terms to repeal all acts & parts of acts, which violates the same. This though a right measure I am satisfied will create great uneasiness in most of the States & particularly in ours; where you know so many people will be affected.

Our Negotiations with Spain goes on but slowly: indeed We have got into a dilemma which it will be hard to extricate ourselves from. A Part of Congress are for giving up the Navigation of the Mississippi for 25 Ys. Another part (nearly equal) are for no treaty witht. the river. Our embaressment is great. The people on the Western Waters are all in a ferment abt. it. The treaty with Morocco is arrived.¹ With respect to Tripoli, Tunis & Algiers people begin to think the game not worth the Candle: & I believe there will be no farther attempts made in that business. If we make a treaty today they may break it tomorrow & we have no *fleet* to punish or *intimidate* them. Besides we are far distant. Congress are I think beginning to recover from their *treaty madness*. Indeed it is high time—a late application from Van berkell Respecting a law passed in Virga. in favor of France, has helped to open their Eyes.² They begin to understand (though at this late hour) the doctrine of the right of the most favored nation: They will early begin also to see the folly of a weak disjointed nation contracting with a strong one, who can explain the contract as he pleases.

An Attempt was made a few days since to remove the session of Congress to Philada. & lost by half a Vote. I expect the new Congress will sit at that place.³

The State of New York have passed a law declaring Vermont independant in certain conditions.⁴ We shall oppose Kentucki to Vermont, & from this circumstance (as we are instructed by the State) it is not improbable but both may get into the Confederation provided the Mississippi business does not altogether detach Kentuckie from the Union. I forgot to inform you that Spain claims almost all Kentucki. Indeed I dont know whether she does not go to Richmond. The treaty with Portugal is not yet arrived; I am satisfied our Ministers did every thing in their power: though it is greatly to be lamented that we cannot send our flour there.

Mr. Adams has requested leave to return to America. This will I expect be granted. Mr. Bond appointed by the Court of G.B. Commissary & Consul, will be received only in the latter capacity, if at all.⁵

There is a proposition now depending before Congress for sending Mr. Jefferson to Spain on particular business; but doubtful whether it will be carried.⁶ You will consider this letter as perfectly confidential: if the packett does not go in the morning I will add to it as well as correct & copy it. If I have not time you must guess at the contents as well as you can.

From yr. Affect. frd & hhble servt.,

Willm. Grayson.

RC (DLC: Short Papers).

¹ See Edward Carrington to Edmund Randolph, April 13, note 3.

² See Virginia Delegates to Randolph, March 5, note 1.

³ See James Madison's Notes of Debates, April 11, note 2.

⁴ See Carrington to Randolph, April 13, note 4.

⁵ See Madison's Notes of Debates, March 30, notes 1 and 4.

⁶ See Madison's Notes, April 18.

James Madison to George Washington

Dear Sir

New York April 16 1787

I have been honoured with your letter of the 31 of March,¹ and find with much pleasure that your views of the reform which ought to be pursued by the Convention, give a sanction to those which I have entertained. Temporising applications will dishonor the Councils which propose them, and may foment the internal malignity of the disease, at the same time that they produce an ostensible palliation of it. Radical attempts, although unsuccessful, will at least justify the authors of them.

Having been lately led to revolve the subject which is to undergo the discussion of the Convention, and formed in my mind *some* out-

lines of a new system, I take the liberty of submitting them without apology, to your eye.

Conceiving that an individual independence of the States is utterly irreconcilable with their aggregate sovereignty; and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable, I have sought for some middle ground, which may at once support a due supremacy of the national authority, and not exclude the local authorities wherever they can be subordinately useful.

I would propose as the ground-work that a change be made in the principle of representation. According to the present form of the Union in which the intervention of the States is in all great cases necessary to effectuate the measures of Congress, an equality of suffrage, does not destroy the inequality of importance, in the several members. No one will deny that Virginia and Masss. have more weight and influence both within & without Congress than Delaware or Rho. Island. Under a system which would operate in many essential points without the intervention of the State Legislatures, the case would be materially altered. A vote in the national Councils from Delaware, would then have the same effect and value as one from the largest State in the Union. I am ready to believe that such a change will not be attended with much difficulty. A majority of the States, and those of greatest influence, will regard it as favorable to them. To the Northern States it will be recommended by their present populousness; to the Southern by their expected advantage in this respect. The lesser States must in every event yield to the predominant will. But the consideration which particularly urges a change in the representation is that it will obviate the principal objections of the larger States to the necessary concessions of power.

I would propose next that in addition to the present federal powers, the national Government should be armed with positive and compleat authority in all cases which require uniformity; such as the regulation of trade, including the right of taxing both exports & imports, the fixing the terms and forms of naturalization, &c &c.

Over and above this positive power, a negative *in all cases whatsoever* on the legislative acts of the States, as heretofore exercised by the Kingly prerogative, appears to me to be absolutely necessary, and to be the least possible encroachment on the State jurisdictions. Without this defensive power, every positive power that can be given on paper will be evaded & defeated. The States will continue to invade the national jurisdiction, to violate treaties and the law of nations & to harass each other with rival and spiteful measures dictated by mistaken views of interest. Another happy effect of this prerogative would be its controul on the internal vicissitudes of State policy; and the aggressions of interested majorities on the rights of minorities and of indi-

viduals. The great desideratum which has not yet been found for Republican Governments, seems to be some disinterested & dispassionate umpire in disputes between different passions & interests in the State. The majority who alone have the right of decision, have frequently an interest real or supposed in abusing it. In Monarchies the sovereign is more neutral to the interests and views of different parties; but unfortunately he too often forms interests of his own repugnant to those of the whole. Might not the national prerogative here suggested be found sufficiently disinterested for the decision of local questions of policy, whilst it would itself be sufficiently restrained from the pursuit of interests adverse to those of the whole Society? There has not been any moment since the peace at which the representatives of the union would have given an assent to paper money or any other measure of a kindred nature.

The national supremacy ought also to be extended as I conceive to the Judiciary departments. If those who are to expound & apply the laws, are connected by their interests & their oaths with the particular States wholly, and not with the Union, the participation of the Union in the making of the laws may be possibly rendered unavailing. It seems at least necessary that the oaths of the Judges should include a fidelity to the general as well as local constitution, and that an appeal should lie to some national tribunals in all cases to which foreigners or inhabitants of other States may be parties. The admiralty jurisdiction seems to fall entirely within the purview of the national Government.

The national supremacy in the Executive departments is liable to some difficulty, unless the officers administering them could be made appointable by the supreme Government. The Militia ought certainly to be placed in some form or other under the authority which is intrusted with the general protection and defence.

A Government composed of such extensive powers should be well organized and balanced. The Legislative department might be divided into two branches; one of them chosen every years by the people at large, or by the legislatures; the other to consist of fewer members, to hold their places for a longer term, and to go out in such a rotation as always to leave in office a large majority of old members. Perhaps the negative on the laws might be most conveniently exercised by this branch. As a further check, a council of revision including the great ministerial officers might be superadded.

A national Executive must also be provided. I have scarcely ventured as yet to form my own opinion either of the manner in which it ought to be constituted or of the authorities with which it ought to be clothed.

An article should be inserted expressly guarantying the tranquility of the States against internal as well as external dangers.

In like manner the right of coercion should be expressly declared. With the resources of Commerce in hand, the national administration might always find means of exerting it either by sea or land; But the difficulty & awkwardness of operating by force on the collective will of a State, render it particularly desirable that the necessity of it might be precluded. Perhaps the negative on the laws might create such a mutuality of dependence between the General and particular authorities, as to answer this purpose, or perhaps some defined objects of taxation might be submitted along with commerce, to the general authority.

To give a new System its proper validity and energy, a ratification must be obtained from the people, and not merely from the ordinary authority of the Legislatures. This will be the more essential as inroads on the *existing Constitutions* of the States will be unavoidable.

The inclosed address to the States on the subject of the Treaty of peace has been agreed to by Congress, & forwarded to the several Executives. We foresee the irritation which it will excite in many of our Countrymen; but could not withhold our approbation of the measure. Both, the resolutions and the address, passed without a dissenting voice.²

Congress continue to be thin, and of course do little business of importance. The settlement of the public accounts—the disposition of the public lands, and arrangements with Spain, are subjects which claim their particular attention. As a step towards the first, the treasury board are charged with the task of reporting a plan by which the final decision on the claims of the States will be handed over from Congress to a select sett of men bound by the oaths, and clothed with the powers, of Chancellors.³ As to the Second article, Congress have it themselves under consideration. Between 6 & 700, thousand acres have been surveyed and are ready for sale.⁴ The mode of sale however will probably be a source of different opinions; as will the mode of disposing of the unsurveyed residue. The Eastern gentlemen remain attached to the scheme of townships. Many others are equally strenuous for indiscriminate locations. The States which have lands of their own for sale, are *suspected* of not being hearty in bringing the federal lands to market. The business with Spain is becoming extremely delicate, and the information from the Western settlements truly alarming.

A motion was made some days ago for an adjournment of Congress for a short period, and an appointment of Philada. for their reassembling. The excentricity of this place as well with regard to E. and West as to N. & South has I find been for a considerable time a thorn in the minds of many of the Southern members. Suspicion too has charged some important votes on the weight thrown by the present position of Congress into the Eastern Scale, and predicts that the Eastern members will never concur in any substantial provision or movement for a proper perma[ne]nt seat for the national Government whilst they remain so much gratified in its temporary residence. These seem to

have been the operative motives with those on one side who were not locally interested in the removal. On the other side the motives are obvious. Those of real weight were drawn from the apparent caprice with which Congress might be reproached, and particularly from the peculiarity of the existing moment. I own that I think so much regard due to these considerations, that notwithstanding the powerful ones on the other side, I should have assented with great repugnance to the motion, and would even have voted against it if any probability had existed that by waiting for a proper time, a proper measure might not be lost for a very long time. The plan which I shd. have judged most eligible would have been to fix on the removal whenever a vote could be obtained, but so as that it should not take effect until the commencement of the ensuing federal year. And if an immediate removal had been resolved on, I had intended to propose such a change in the plan. No final question was taken in the case. Some preliminary questions shewed that six States were in favor of the motion. Rho. Island the 7th was at first on the same side, and Mr. Var-num one of her delegates continues so. His colleague was overcome by the solicitations of his Eastern brethren. As neither Maryland nor South Carolina were on the floor, it seems pretty evident that N. York has a very precarious tenure of the advantages derived from the abode of Congress.

We understand that the discontents in Massts which lately produced an appeal to the sword, are now producing a trial of strength in the field of electioneering. The Governor will be displaced. The Senate is said to be already of a popular complexion, and it is expected the other branch will be still more so. Paper money it is surmized will be the engine to be played off agst. creditors both public and private. As the event of the Elections however is not yet decided, this information must be too much blended with conjecture to be regarded as matter of certainty.

I do not learn that the proposed act relating to Vermont has yet gone through all the stages of legislation here; nor can I say whether it will finally pass or not.⁵ In truth, it having not been a subject of conversation for some time, I am unable to say what has been done or is likely to be done with it. With the sincerest affection & the highest esteem, I have the honor to be Dear Sir your devoted Servt.

Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 9:382-87.

¹ See *ibid.*, pp. 342-44.

² See Charles Thomson to the States, April 13.

³ See Madison's Notes of Debates, March 29, note 1.

⁴ The board of treasury had reported on April 5 geographer Thomas Hutchins' estimate of 675,000 acres of western territory surveyed in 26 townships. See *JCC*, 32:156.

⁵ See Edward Carrington to Edmund Randolph, April 13, note 4.

William Blount to John Gray Blount

Newyork April 18th [1787]

I have before informed you that [Constable] Rucker & Co. would let John G[ray] Blount have one H[undred] Hogsheads of the Tobacco at Washington [3½] dollars per 100 lb Nett Weight payable in France,¹ I have now to add that Mr. Stewart their Agent is authorized to a[.] it to you and has their Instructions *under the Rose* verbally expressed to permit you to take such Hogsheads as you please. The Bills are to be drawn by John G. & Thomas Blount on Thomas Blount in France at three Months Sight and to be drawn on the Bill of Lading for the bett[er clea]ring the Payment thereof.

Thus far of this Letter Mr. Constable has seen and will write you accordingly. The Balance he tells me has sold that is he has sold the Contract to a Mr. Lacase and engages to deliver it in France he says at 40 Livres per Hogshead, as yet he has not been able to charter a single Vessel, the Brig that now comes is the property of his Company. [.] he would be glad to get some Vessels [in Caro]lina to take Freights at 40 Livres per [hogshea]d and gives orders to that effect to Mr. [Ste]wart, by whom he will write you. Mr. Stewart is a Tobacconist of this place and [is said] to be a great Judge of Tobacco. He is to cer[tify] that all the Tobacco which he ships from [Carol]ina for Constable &c is Virginia Tobacco, [wh]ich Certificates are to be sent to France with the Tobacco and I suppose he will also give you a similar Certificate for your 100 Hogsheads which I think you had best obtain from him. The inclosed price Current is here published by the Vice Consul General of France Mr. Delaforest and by him said to be just, he is at much pains to procure it from France. I am in Expectation of receiving an appointment to attend the Convention at Philadelphia which I wish to attend in my Way Home. I fear Molsey thinks my stay long. I beg you to find some good excuses for me. A few days past a Motion was made by NC for the Adjournment of Congress from this to Philadelphia² in certain Hope that it would have been carried but before the question was taken it was discovered that [the]re were only six States and an ha[lf for] it half R.I. having apastatized so the [de]lays and will yet I hope be carried. We [only] want Maryland and then it is sure [to be] carried. This is an Event I much wish. I shall thereby pay sundry Stat[es for] their Incivility which lay east of the North[h River].

For this Week past I have been much [beset?] with a Pain in my face or Jaw which [.] in my Throat & has been very sore a [.] last Summer but at present it is much [better] and will soon be well. Inclosed is the a/c Sales of the 2 Hogsheads Tobacco.

Yours,

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ See Blount to John Gray Blount, March 14.

² For this April 10 motion, which was seconded by Blount but was actually offered by Delaware delegate Dyre Kearny, see *JCC*, 32:167.

William Blount to Thomas Blount

Newyork April 18th 1787

Your Letters of the 7th Feby and 7th March are both to hand,¹ the last within two days of the first owing to some Neglet in the Post office here and are both forwarded on to J.G.B. to whom I have wrote in the strongest Terms requesting him to forward on to you *without delay* both the Deposition of Geo. Dennison and Mr. Ellis. I am sure they are both to be obtained. Mr. Ellis Certificate is founded on the face of his Books which Books I have seen. This Day a Brig belongi[ng] to Constable, Rucker & Co. sails for Washington to take on a part of the Public Tobacco which they [have] purchased of the North Carolina Delegation with which she proceeds to France and by her I think it is probable one Copy of both their Depositions will be forwarded to you because I am sure she will afford the f[i]rst Conveyance from Washington for Europe.

Herewith you will receive a Letter from Mr William Constable to his Partner Mr. Rucker of London of Introduction which please deliver.

I am glad to find Mr. Hudson discovers so much Inclination to pay the Legacy due Mrs. Hall perhaps if he was offered a handsome discount he would pay the Mony without [the] [a]forementioned Deposition say a Discount of 15 Per Ct. or less. If upon Inquiry you should discover then that he would it is decidedly my Opinion that you give it without Hesitation for however dear Mrs Halls Claim may be and I think is the Uncertainty and Delay of the Law is as great but this offer should not be made untill you discover a Certainty of its being accepted. Take every Opportunity to Inform the State of this Business for it may be when it is certain to be obtained by you that it could be cheaply purchased in Carolina of Mrs. Hill. If you should get it in hand hold it untill you inform and as well advise what is proper as to its disposition. I have also wrote to J.G.B. respecting Billy Morans Claim and respecting the Claim of Geo. Lovick of New Bern who has an undoubted Right to a valuable House & Lot near the Foot of London Bridge respecting both whom I suppose he will w[rite] you by Constables Brig via France. The following is an extract of a Letter this day address to J G Blount by which you will see how much Tobacco J.G. & T. B. have purchased of Constable, Rucker & Co. and on what Terms.² As to the Politicks or People of North Carolina I know but very little about them except that your friends are all well. Congress are doing very little Business *in general* tho they have lately passed

some Resolution respecting the Treaty of Peace that will do them much Credit in Europe.³ Much is expected from the Convention at Philadelphia which is to meet on the 2d Monday in May which I shod attend and shall go from thence to Carolina. Mr Adams [...] to return to America after the Time for which he was appointed shall have expired about 10 or 12 Months to come which he will certainly obtain & it is equally certain that Colonel Smiths Appointment will not be renewed so that he may return also.⁴

FC (Nc-Ar: Blount Papers). In the hand of William Blount.

¹ Thomas' March 7 letter is in Blount, *Papers* (Keith), pp. 254–56.

² Blount wrote above the line at this point, "here it was inserted," for which see the preceding entry.

³ Undoubtedly the resolution enclosed in Charles Thomson to the States, April 13.

⁴ This draft of Blount's letter to Thomas was sent under cover of the following note of this date from William to John Gray Blount. "The foregoing is a Copy of Letter I this day addressed to Thomas Blount by a Vessel which sails in the Morning for Liverpool. You will readily see Reasons sufficient for my sending it to you therefore shall not assign any." Blount Papers, Nc-Ar.

Edward Carrington to James Monroe

My dear Sir

New York Apl. 18. 1787

Col. Franks arrived here last week in the French Packet from Havre de Grace. He says that before he sailed accounts were received at Havre of the death of the Count de Vergennes, and Mr. Jefferson in some dispatches Col. F. is the bearer of, mentions his indisposition, and that it occasioned great anxiety at the time he wrote.¹ These corroborating circumstances placed the event in tolerable certainty. This was a great and good minister, whose life was important to the United States, and valuable to the world. He was so considerable a Spring in the present tone of European politics, that it may, perhaps, depend upon his successors acting like him, and possessing the same degree of confidence whether she will remain at peace.

The dispatches brought by Col. F. contain Accounts of the Convention which his Most Christian Majesty has called upon the National concerns, it consists of the several orders of the Kingdom, and the Members are denominated the *Notables*—it seems a similar measure was adopted about 160 years ago. This event is considered as a very important one in Europe from which, some expect great things, others nothing. A british packet arrived last Sunday and brings papers which contain the Speech of the King of France and others upon the opening of the Convention, and some of the proceedings of that body, from which you will form, in some degree, an idea of the objects of the measure—these communications are contained in the inclosed paper.²

Our Friend the M. de la Fayette was originally placed upon the list of *Notables*, afterwards his name disappeared but was finally reinstated—his education in our School has, it seems, drawn upon him the jealous eye of some of his Court whose principles are rigidly formed to those of their own despotic government. He has, however, the good disposition of the King, the affections and confidence of the people, and is supported by powerful family connections. He is the youngest Man upon the list of *Notables*, except one, whose office placed him there. This distinction is no less honourable and flattering to *us* than *him*. These circumstances shew that the Marquis's character is not considered as a trifling one, and that it occasions some agitation—he has however passed his Crisis. The papers which came by the british packet mention the death of the Count de Vergennes upon a certain day—this is premature, being prior to the date of our letters from Mr. Jefferson—it is however little to be doubted that the event has taken place.

We are endeavouring to get a practicable Scheme adopted, to supercede an impracticable one, for selling the Western territory—the business is Committed.³ We have taken the ground of indiscriminate locations from which we may, perhaps, concede to some intermediate stage between that & the present ordinance. The Eastern States, Rh. Island excepted, aim at nothing but to prevent an agreement, as the existing scheme answers their views. We shall endeavour to meet Rhode Island & Jersey, in some measure retaining the idea of Townships, but still calculated to accelerate the Sales, and throw the expence of Surveying upon the purchasers. These two States are much more free from the eastern Shackles, under their present delegations, than they were last year—in the further progress of this business you shall hear from me.

Mr. Madison in Conjunction with myself has agreed to take the furniture from your Mechanic, although we do not like it, in the whole appearance. We cannot fix upon any particular exceptions so as to justify a refusal to take it, except as to one of the Card table[s] which we insist on his replacing with another. Major Pinkney has not, that we can discover, provided for the payment of 100 dollars as you expected. The Family at the Sycamores are well except as to the old gentleman, who is in his old way. Present me to Mrs. Monroe & believe me to [*be*] your Sincere friend & Humbl Servt.,

Ed. Carrington

RC (DLC: Monroe Papers).

¹ See Edward Carrington to Edmund Randolph, April 13, note 3.

² The British packet *Sandwich* had arrived from Falmouth on April 15. Translations of the speeches of Louis XVI, the Garde des Sceaux (Keeper of the Seals), the Archbishop of Narbonne, and the comte d'Artois before the Assembly of *Notables* appeared in the April 17 issues of the *New-York Packet* and the *Daily Advertiser* and April 18 issue of the *Independent Journal*.

³ The board of treasury had been ordered on March 20 to report a plan for selling the townships already surveyed. It recommended on April 5 that Congress amend the ordinance of May 20, 1785, to permit the sale of land in the four surveyed ranges rather

than waiting for the survey of the full seven. On April 21 Congress considered the report, adopted the board's draft resolutions specifying the terms of advertisement and sale, and ordered the board to carry them into effect. In the meantime, Carrington had moved on April 9 that a committee be appointed to consider revisions of the original ordinance. The committee, chaired by Carrington, recommended on April 25 repealing that portion of the ordinance requiring the survey of seven ranges of townships and establishing a new system in which geographer Thomas Hutchins would divide those parts of the territory that Congress recommended to be sold into "convenient districts," appointing a surveyor for each district who would undertake surveys at the request of individual purchasers "wherever the locators shall direct," provided each parcel sold contained a fixed number of acres. The report was made the order of the day for April 30. Although Congress did not meet that day, William Grayson reported to James Monroe that the attempt to impose the southern system of indiscriminate location had been "unsuccessful." See *JCC*, 32:123n.1, 155-57, 167n.1, 225-27, 238-41, 244, 33:755; and Grayson to Monroe, April 30. Both the April 21 resolutions recommended by the board of treasury and the April 25 report of Carrington's committee were issued as broadsides. See Evans, *Am. Bibliography*, nos. 20,759 and 20,766.

James Madison's Notes of Debates

April 18th [1787] Wednesday

It having appeared by the Report of Mr. Jay on the instruction agreed to Monday the 2d inst & on information refd. to him concerning the discontents of the western people:¹ that he had considered the act of 7 states as authorising him to suspend the use of the Misspi. and that he had accordingly adjusted with Mr. Guardoqui an article to that effect;² that he was also much embarrassed by the ferment excited in the western Country by the rumoured intention to cede the Misspi. by which such cession was rendered inexpedient on one side; and on the other side, by the disinclination in another part of the Union to support the use of the River by arms if necessary: It was proposed by Mr. M[adison] as an expedient which if it should answer no other purpose would at least gain time; that it should be Resolved "that the *present State* of the Negotiations with Spain [meaning the step taken under the spurious authority of seven States]³ and of the affairs of the U.S. [meaning the temper & proceedings in the Western Country], renders it expedient that the Minister Plenipo. at the Court of France should proceed under a special commission, to the Court of Madrid, there to make such representations, and to urge such negotiations as will be most likely to satisfy the said Court of the friendly disposition of the U.S. and to induce it to make such concessions relative to the Southern limit of the sd. States, and their right to navigate the river Misspi. and to enter into such commercial Stipulations with them, as may most effectually guard against a rupture of the subsisting harmony, and promote the mutual interest of the two nations: And that the Secy. of F. A. prepare & report the instructions proper to be given

to the said Minister, with a proper commission & letter of credence; and that he also report the communications and explanations which it may be advisable to make to Mr. Guardoqui relative to this change in the mode of conducting the negociations with his Court."⁴

Mr. King said he did not know that he should be opposed to the proposition as it seemed to be a plausible expedient, and as something seemed necessary to be done; but that he thought it proper that Congs. should before they agreed to it give the Secy. for F. A. an opportunity of stating his opinions on it, and accordingly moved that it should be referred to him.

Mr. Clarke & Mr. Varnum opposed the reference, it being improper for Congs. to submit a principle for deciding which no further *information* was wanted, to the opinion of their Minister. The reference being however at length acceded to by the other friends of the proposition on the principle of accomodation, it had a vote of seven States.⁵

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:389–90.

¹ Madison interlined the words beginning with "& on information" to this point, perhaps at a later time.

² At this point, Madison originally wrote but deleted: "that he supposed some steps necessary to be taken by Congs. in consideration of this."

³ Brackets inserted by Madison.

⁴ See *ibid.*, p. 388; and *JCC*, 32:210. Madison had attempted to reopen the question of John Jay's negotiations with the Spanish minister on April 13 after hearing Jay's reports on the state of negotiations with Spain and the papers from Virginia and North Carolina on western disturbances, but his motion to refer both reports to a committee was defeated. He resorted, therefore, to this motion to move the negotiations to Spain and place them in the hands of Thomas Jefferson who could be expected to protect the interests of the southern states. See *JCC*, 32:147, 152, 184–204. See also Madison's Notes of Debates, March 30, notes 6–8, and April 4; and Madison to Edmund Randolph, April 15, notes 6–8.

⁵ For Jay's April 20 report on Madison's motion, in which he urged rejection because (1) it was more honorable to the United States to negotiate at home, (2) the Spanish court would see the move merely as "a design to gain time and to amuse," and (3) that the King of Spain would in all likelihood reject the measure, see *JCC*, 32:217–20.

North Carolina Delegates to Richard Caswell

Dear Sir,

New-York 18th. April 1787.

We have laid the papers respecting the seizure and Confiscation of the property of Mr. Amis before Congress in Obedience to the Commands of the Legislature,¹ and it will probably be productive of some good to our Western Citizens, as thereupon such a representation will be made on this business Comprising in a general point of View our entire Claim to the Navigation of Mississippi and the prospects of the citizens there founded on this their right, as will eventually we trust lead

Congress to the adoption of some uniform decisive line of policy with Spain.² The State of this Business as Communicated by our predecessors to the Legislature is highly reprehensible & those Active therein in Some Measure disirous of finding a mean to extricate themselves from their embarrassment. We shall do everything in our power to facilitate it, as we foresee consequences Serious & Alarming to the peace & happiness of our western Citizens and eventually of all the United States. Virginia and New-Jersey have instructed their Delegates in terms similar to ours:³ & the Gentlemen Now in Congress independant on their instructions are in Opinion with us. We have recived some Resolutions or rather a report of a Committee concurred with by our Legislature on the propriety of keeping up some troops in Davidson County to prevent the Indians from taking any hostile resolutions in aid of the Northern Tribes and we are instructed to lay before the United States of America in Congress Assembl'd the Necessity of this Measure and to obtain leave to continue the Same in service while the necessity exists.⁴ Your Excellency will readily see an ambiguity here which is very ambarrassing to us, for if Congress are to Judge of the necessity the Troops are not Necessary as the Necessity does not exist. Congress having lately thought proper to discharge all the Troops raised under the resolution of October last except two Companies of artillery as guards for the Magazine at Springfield & at West Point: and on the other hand if the Legislature have views of their Own & are of opinion that Troops are necessary for the protection of our western Citizens it would we presume to say have been proper so to have instructed us, that we Could bring forward the Measure & Obtain if practicable the Concurrence of Congress with the State. We have to request that if any other resolutions or Acts of the Assembly will throw away light on this business they may be sent forward as early as is practicable. Congress have been necessitated to examine the infractions of the Treaty of peace with great Britain, & to express themselves after a dispassionate and dilibrate examination in a firm, decisive and unequivocal manner. The Resolutions thereon & the letter of Congress Accompanying the same will be forwarded this post to Your Excellency from the Office of the Secretary of Congress to add any thing on Our parts to a subject so properly treated would be improper because unnecessary.⁵ We have no information from Great Britain that gives room to except a Commercial Treaty with them. Our disunion in grand National points has induced Britain to suppose She can avail herself of any Advantages which can be derived from us in the Way of Commerce without a receprocity on her part And we doubt not she will Continue her nefarious Schemes untill she discovers that we are capable of seeing & feeling as a nation. When this most despicable period will arive is a question incapable of solution from present prospects. Although the present are more bright and promising than

we did believe they would be for some time past France is invariably & unchangeably our friend. They have already made several alterations favourable to us & a Committee is appointed to report other favourable regulations as may be most beneficial to our Commerce,⁶ of these you shall be informed from time to time as they Occur.

The present period is a very important one for France. The King has Called a Convention of the Notable, and they will have met some time early in February, and in addition she has lost the Count de Vergennes which is the greater as it happened during this critical poise of european politics. He was the friend of America and a very dear one to us, he was the helmsman of Europe, and in him the world has lost a man who dared to espouse the cause of freedom in opposition to the bigotry of the Clergy and the Tyranny of the rulers of the Earth. His successor is not yet announced But we have hopes it will be M. de Montmorin who is of very great abilities & firm in his friendly disposition towards us. Mr. Barclay has concluded a treaty with the emperor of Morocco & as soon as it is ratified it will be sent forward to you. Our Negotiator has through the whole of this transaction discovered much good sense and a pointed attention of the Rights & interest of the United States. At Algiers we have been so fortunate and various are the causes ascribed to the failure Three of which only we Subscribe to the unskfulness of the Negotiator, the poverty of the United States, and the Very unfriendly opposition given by the British there. They have twenty one prisoners, several of whom are Actually employed as slaves in the Marine, and the Remainder variously employed, some in the household of the Dey &ca.

We have the honor to be with great and sincere esteem, Dear sir,
Your Excellency's Most Obedient Servants,

Wm. Blount

Benjamin Hawkins

John B. Ashe

Tr (Nc-Ar: Governors' Letterbooks).

¹ See North Carolina Delegates to Congress, March 29.

² For the report of the secretary for foreign affairs, John Jay, upon the subject of Spain's seizure of Thomas Amis' property at Natchez, in which he admonished that preparations for war with Spain should be contemplated if the United States wished to insist upon the rights of its citizens to navigate the Mississippi River, see *ibid.*, note 3.

³ See the preceding entry.

⁴ This North Carolina House of Commons report is in *N.C. State Records*, 18:462-65. For the extract from it made by William Blount and laid before Congress by the North Carolina delegates April 25, see *JCC*, 32:237; and *PCC*, item 72, fols. 289-92.

⁵ See Charles Thomson to the States, April 13.

⁶ Apparently the committee appointed March 1 to consider a Virginia proposal for convening commissioners annually to study the regulation of interstate commerce, whose report was taken up May 8. See Edward Carrington to Edmund Randolph, April 2, note 3.

North Carolina Delegates to Richard Caswell

Dear Sir,

New York the 18th. of April 1787

We wrote your Excellency on the 19th of March, a Copy of which and the Articles of agreement made for the sale of the public Tobacco,¹ we herewith enclose. This will be handed to you or forwarded to you by Mr. Robert Stewart the Agent as we are informed of Constable Rucker & Co. for the completion of their contract with us.

We have the honor to be with sincere esteem & regard, Dear Sir, Yr. Excellency's most Obedt. Servants,

Wm. Blount

Benjamin Hawkins

John B. Ashe

RC (TKL: McClung Collection).

¹ See *N.C. State Records*, 20:639–41.

James Madison's Notes of Debates

Thursday April 19th [1787].

The instructions of Virga. agst. relinquishing the Mississippi were laid before Congs. by the delegates of that State, with a motion that they should be referred to the department for F. A. by way of information.¹

The reference was opposed by Mr. King & Mr. Benson as unnecessary for that purpose, the instructions having been printed in the newspapers.

In answer to this it was observed that the memorial accompanying the instructions had never been printed; that if it had, no just objection could be thence drawn agst. an official communication; that if Congs. would submit a measure as they had done yesterday to the opinion of their Minister² they ought at least to supply him with every fact in the most authentic manner, which could assist his judgment; and that they had actually referred to the same minister communications relative to the Western views, less interesting & authentic, and which he had made the basis of a Report to Congs.³

The motion was lost: Massts. and New York being agst. it, and Connecticut divided. Mr. Mitchel from the latter State was displeased at the negatives as indicating a want of candor & moderation on the subject.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:392.

¹ For the assembly instructions of November 29, 1786, "agst. relinquishing the Mississippi" which were laid before Congress this day together with a memorial to the assem-

bly from Kentucky officers and delegates regarding navigation of the Mississippi, see *ibid.*, pp. 182–83; *JCC*, 32:216n.1; and *PCC*, item 75, fols. 407–14.

² See Madison's Notes of Debates, April 18, notes 4 and 5.

³ That is, Jay's April 12 report read on the 13th. *JCC*, 32:189–204.

James Madison to James Monroe

Dear Sir

New York April 19, 1787.

No definitive steps are yet taken for the transportation of your furniture. I fear we shall be obliged to make use of a conveyance to Norfolk as soon as one shall offer. I have examined the workmanship of the man in Chappel Street.¹ The face of it is certainly superior to that of your workman. Whether it may prove much so for substantial purposes, I do not undertake to say. Should Mrs. Monroe not be pleased with the articles, I wd. recommend that you dispose of them, which may be done probably without loss, and send us a commission to replace them. I think we could please you both; and on terms not dearer than those of your purchase. We learn nothing yet of a remittance from S. Carolina.²

The business of the Mississippi will I think come to a point in a few days. You shall know the result in due time.

A motion was lately made to remove shortly to Philada. Six States would have been for it. Rh. Island was so at first, and would have been a seventh. One of the delegation was overpowered by exertions of his Eastern brethren.³ I need not rehearse to you the considerations which operated on both sides. Your conjectures will not mistake them. My own opinion is that there are strong objections agst. the moment; objections which nothing would supercede but the difficulty of bringing the sense of the Union to an efficient vote in Congress, and the danger of losing altogether a proper measure by waiting for a proper time. A middle way would have been my choice; that is to fix Philada. for the meeting of the ensuing Congs. & to remain here in the mean time. This would have given time for all preliminary arrangements, would have steered clear of the Convention, and by selecting a natural period for the event, and transferring the operation of it to our successors in office, all insinuations of suddenness, and of personal views, would have been repelled.

I hear with much pleasure that you are to aid the deliberations of the next assembly, and with much concern that paper money will probably be among the bad measures which you will have to battle.⁴ Wishing you success in this and all your other labors for the public, and for yourself, I remain with best respects to Mrs. Monroe yours affely,

Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:390–91.

¹ Apparently Thomas Burling, for whom see *ibid.*, p. 257n.6.

² That is, a remittance of \$200 owed Monroe by Thomas Pinckney of South Carolina, for which see *ibid.*, p. 214, 391n.2.

³ See Madison's Notes of Debates, April 10 and 11.

⁴ Monroe had just been elected a delegate from Spotsylvania County and was expected to aid in the struggle against Patrick Henry's paper money party. See Harry Ammon, *James Monroe: The Quest for National Identity* (New York: McGraw-Hill Book Co., 1971), pp. 65–66.

Henry Lee to John Cleves Symmes

Dear sir

New York April 22d. 1787

I have your letter of the 10th Jany. It was put into my hands only yesterday, to which delay, attribute your not hearing from me sooner.

The only part which I took in your contract with Mr. Imlay was the burthening myself with the security to his bond.¹ This I did from my friendship to him, my confidence in his punctuality & truth and my solicitude to remove you into my country, Considering your emigration in every point of view important. The information contained in your letter is as distressing as unexpected. Mr. Imlay left Charlestown long ago for Kentucky. He was obliged to take that route having pecuniary demands on a merchant there, which were necessary for him, before he visited you.²

I hope before this he will have reached you & I trust all matters will be settled to your satisfaction.

Should any accident have befallen him pray my dear sir possess yourself of property adequate to your claim—This you have a right to do in justice & your regard for me will urge you to execute this measure. In any difficulty apply to my friend Wilkinson who I am sure will from my letter exert [exert] himself to accomodate us. I confide fully in your honor & justice & shall always be happy in testifying the strength of my attachment to you. Adieu, Henry Lee Junr.

[P.S.] Should you take lands held in common by Imlay & others, I will be at the expence of seperating Imlays part for you. Congress will soon establish a governt. in the west. Are you disposed to hold an office—write me & what.

We have nothing new—our distress accumulates & will soon overpower us. The convention will assemble in May from this body we hope for releif. Your old friends often speak of you in the lively & sincere terms of real regard & respect. The ordinance for a copper coinage has passed.³

RC (Vi: Anderson-Latham Collection).

¹ Undoubtedly Gilbert Inlay (1754?–1828), a former officer in the New Jersey Continental Line, whose heavy involvement in Kentucky land speculation forced him to flee to Europe in late 1786 to escape legal and financial entanglements. While launching a new career in continental adventurism and intrigue, he published *A Topographical Description of the Western Territory of North America* (London, 1792), which appeared in several subsequent editions. *DAB*.

² Symmes, a former New Jersey delegate, was in the northwest territory at this time and would soon petition Congress for a two-million-acre grant of land on the Miami River.

³ See the following entry, note 4.

James Madison to Edmund Pendleton

My dear Sir

New York April 22. 1787

The period since my last has afforded such scanty materials for a letter that I have postponed it, till I have now to thank you for yours of 7th inst.¹ which came to hand two days ago. I always feel pleasure in hearing from you, but particularly when my concern for your doubtful health is relieved by such an evidence in its favor. At the same time I must repeat my wishes to forego this pleasure, whenever it may interfere with the attention which you owe to your ease, your business, or your other friends.

I do not learn that any symptoms yet appear of a return of the insurgent spirit in Massts. On the contrary it is said that the malcontents are trying their strength in a more regular form. This is the crisis of their elections, and if they can muster sufficient numbers, their wicked measures are to be sheltered under the forms of the Constitution. How far their influence may predominate in the current appointments is uncertain, but it is pretty certain that a great change in the rulers of that State is taking place; and that a paper emission, if nothing worse is strongly apprehended. Governor Bowdoin is already displaced in favor of Mr. Hancock, whose acknowledged merits are not a little tainted by a dishonorable obsequiousness to popular follies. A great change has also taken place in the Senate, and a still greater is prognosticated in the other branch of the Legislature.

We are flattered with the prospect of a pretty full and very respectable meeting in next month. All the States have made appointments except Connecticut, Maryland & Rd. Island. The last has refused. Maryland will certainly concur. The temper of Connecticut is equivocal. The turn of her elections which are now going on, is said to be rather unpropitious. The absence of one or two States however will not materially affect the deliberations of the Convention. Disagreement in opinion among those present is much more likely to embarrass us. The nearer the crisis approaches, the more I tremble for the

issue. The necessity of gaining the concurrence of the Convention in some system that will answer the purpose, the subsequent approbation of Congress, and the final sanction of the States, presents a series of chances, which would inspire despair in any case where the alternative was less formidable. The difficulty too is not a little increased by the necessity which will be produced by encroachments on the State Constitutions, of obtaining not merely the assent of the Legislatures, but the ratification of the people themselves. Indeed if such encroachments could be avoided, a higher Sanction than the Legislative authority would be necessary to render the laws of the Confederacy paramount to the Acts of its members.

I inclose a late Act of Congress which will shew you the light in which they view and inculcate a compliance with the Treaty of peace.² We were not unaware of the bitterness of the pill to many of our Countrymen, but national considerations overruled that objection. An investigation of the subject had proved that the violations on our part were not only most numerous and important, but were of earliest date. And the assurances on the other part are explicit that a reparation of our wrongful measures shall be followed by an immediate and faithful execution of the Treaty by Great Britain.

Congress are at present deliberating on the most proper plan for disposing of the Western lands, and providing a criminal and civil administration for the Western settlements beyond the Ohio. The latter subject involves great difficulties. On the former also opinions are various. Between 6 & 700,000 acres have been surveyed in Townships & are to be sold as soon as they shall be duly advertised. The sale was at first to have been distributed throughout the States. This plan is now exchanged for the opposite extreme. The sale is to be made where Congress sit. Unquestionably reference ought to have been had in fixing on the place, either to the Center of the Union or to the proximity of the premises. In providing for the unsurveyed lands, the difficulty arises from the Eastern attachmt. to townships, & the Southern to indiscriminate locations.³ A Copper Coinage was agreed on yesterday to the amount of upwards of two hundred thousand dollars. 15 Per Ct. is [to] be drawn into the federal Treasury from this operation.⁴

Our affair with Spain is on a very delicate footing. It is not easy to say what precise steps would be most proper to be taken on our side, and extremely difficult to say what will be actually taken. Many circumstances threaten an Indian war, but the certainty of it is not established. A British officer was lately here from Canada, as has been propagated, but not on a mission to Congress. His business was unknown, if he had any that was important.

I am extremely concerned though not much surprized at the danger of a paper emission in Virginia. If Mr. H[enry] shld. erect the standard he will certainly be joined by sufficient force to accomplish it. Re-

morse and shame are but too feeble restraints on interested individuals, agst. unjust measures, and are rarely felt at all by interested multitudes. Wishing you all happiness I remain, Dear Sir Your affecte. humble servant,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:394–96.

¹ Not found, but see *ibid.*, p. 368.

² See Charles Thomson to the States, April 13.

³ See Edward Carrington to James Monroe, April 18, note 3.

⁴ See JCC, 32:160–64, 221, 223–25, 33:755. For the context in which these copper coinage resolutions were adopted, see Don Taxay, *The U.S. Mint and Coinage: An Illustrated History from 1776 to the Present* (New York: Arco Publishing Co., 1966), pp. 28–31.

James Madison to Edmund Randolph

My dear Sir

New York April 22. 1787.

I have the pleasure of your's of the 11 inst.¹ acknowledging mine of the 2d. In some of your letters I observe you do not say whether any have been recd. from me or not. I have not omitted to write in a single instance since our correspondence commenced.

The time approaches so nearly now when I shall have an opportunity of asking verbal communications on confidential points that I forbear to commit them to paper.

Congs. are deliberating on the plan most eligible for disposing of the western territory not yet surveyed. Some alterations will probably be made in the ordinance on that subject, in which the idea of townships will not be altogether abandoned, but rendered less expensive. An Act passed yesterday providing for the sale of the surveyed lands, under the direction of the Treasury board.² The price is to be one dollar at the lowest. The sale is to be duly advertised in all the States, but the office is to be opened & held *where Congs. shall sit*. The original plan of distributing the sale through all the States was certainly objectionable. To confine it to one place, and that so remote as N.Y. is both from the center of the Union, and the premises in question, can not be less so.

The inhabitants of the Illinois complain of the land jobbers, particularly Pentecost & Clarke, who are purchasing titles among them. Those of St. Vincents complain of the defect of criminal and civil justice among them, as well as of military protection. These matters are before Congs. and are found to be infinitely embarrassing.³

A copper coinage was agreed on yesterday to the amount of two hundred & odd thousand dollars. It is to be executed under a contract between the Treasury board & the Coiner, and under the inspec-

tion of a person to be appointed on the part of the U.S. 15 Per Ct. is to be drawn from this operation into the federal Treasury.⁴

A great revolution is taking place in the Administration in Massts. Bowdoin is displaced in favor of Hancock. A great proportion of the Senate is already changed, and a greater is expected in the other branch of the Assembly. A paper emission there also is much feared by the friends of Justice. I find that the fetter originally put on the deputies from that State to the Convention was taken off in consequence of the recommendatory act of Congs. & the commission adjusted to that act.

Connecticut has not yet been in assembly, and of course has not decided on the convention. I am told the changes which are taking place in her elections, are far from strengthening the probability of her concurrence.

If Mr. Beckley has no other view in coming to Philada. than that of the secretaryship to the Convention, I suspect the chance of his success ought hardly to recommend the trip. Other solicitations will certainly oppose him, backed by services in a more conspicuous & in the common opinion, more meritorious line.⁵ Yrs. affy.,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:397-98.

¹ See *ibid.*, p. 373.

² See Edward Carrington to James Monroe, April 18, note 3.

³ See Madison's Committee Notes, post March 29, note.

⁴ See the preceding entry, note 4.

⁵ For the attempt of John James Beckley (1757-1807) to become secretary of the Philadelphia Convention, a post filled by Maj. William Jackson of South Carolina, see Edmund and Dorothy S. Berkley, "The Ablest Clerk in the U.S., John James Beckley," *VMHB*, 70 (October 1962): 439.

Massachusetts Delegates to James Bowdoin

Sir,

New-york 22d. Ap. 1787

The law passed in the last session of the general Court relative to the running of the line between Massachusetts & New York, was communicated to the legislature of this State, and in consequence thereof they passed a law in conformity with that of Massachusetts, notwithstanding they had previously enacted a law in some degree different.

We have a letter from the Commissioners appointed to execute this business, proposing to proceed in the Months of June & July. We shall in reply, unite with the Delegates of New York, and inform them that

this Time will be quite satisfactory, and that they will be attended by suitable persons from the respective States.¹ We will transmit a copy of the commissioner's Letter for your Excellency's information by the next post,² and are respectfully your Obt. & very Humble Servts.,

Nath Gorham³

Rufus King

RC (PHi: Gratz Collection). Written by King and signed by King and Dane.

¹ See Massachusetts and New York Delegates to John Ewing and David Rittenhouse, April 23.

² King enclosed this material with the following brief note to Bowdoin of April 25. "I do myself the honor to inclose to your Excellency copies of the papers mentioned in a Letter from Mr. Gorham & myself by the last post." Revolutionary War Letters, M-Ar. This was the last delegate letter that has been found written by King before his departure May 19 to attend the constitutional convention. For the first of his known letters written from Philadelphia, see King to Jeremiah Wadsworth, May 24.

³ Gorham had just returned to his seat in Congress April 21. See *JCC*, 32:224, 227.

James Madison's Notes of Debates

Monday April 23d [1787].

Mr. Jay's Report stating objections agst. the motion of Mr. [Madison]¹ for sending Mr. Jefferson to Madrid was taken into consideration.²

Mr. [Madison] observed that Mr. Jay had not taken up the proposition in the point of view in which it had been penned; and explained what that was; to wit, that it was expedient to retract the step taken for ceding the Mississipi, and to do it in a manner as respectful & conciliating as possible to Spain, and which at the same time would procrastinate the dilemma stated by Mr. Jay. He said he was not attached to the expedient he had bro't forward, and was open to any other that might be less exceptionable.

Mr. Ghorum avowed his opinion that the Shutting the Mississipi would be advantageous to the Atlantic States, and wished to see it shut.

Mr. [Madison] animadverted on the illiberality of his doctrine, and contrasted it with the principles of the Revolution, and the language of American patriots.

Nothing was done in the case.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:402.

¹ Madison later inserted "Madison."

² See Madison's Notes of Debates, April 18, note 4.

James Madison to Thomas Jefferson

Dear Sir

April 23. 1787.

Since my last which was of March 19, I have had the pleasure of yours of Decr. 16, Jany. 30, and Feby. 7,¹ which were handed to me by Col Franks. Along with them were received the copying machine and other articles referred to in them. You will accept my warmest thanks for all these favors. The packet for the Governor of Virginia under the same cover with your letter of Feby. 7 has been forwarded. The accident to your wrist was first made known to me by these communications. I learnt with satisfaction from Col. Franks that the pain and weakness were apparently going off, and ardently wish that your projected trip to the South of France may produce a radical cure.

The vigorous measures finally pursued by the Government of Massachusetts against the insurgents, had the intended effect of dispersing them. By some it was feared that they would reembody on the return of favorable weather. As yet no symptom of such a design has appeared. It would seem that they mean to try their strength in another way; that is, by endeavoring to give the elections such a turn as may promote their views under the auspices of Constitutional forms. How far they may succeed is not yet reducible to certainty. That a great change will be effected in the component members of the Government is certain, but the degree of influence imputable to the malcontents can not be well known till some specimen shall be given of the temper of the new rulers. Mr. Hancock takes the place of Mr. Bowdoin. His general character forbids a suspicion of his patriotic principles; but as he is an idolater of popularity, it is to be feared that he may be seduced by this foible into dishonorable compliances. A great proportion of the Senate is also changed, and a greater proportion of the other branch it is expected will be changed. A paper emission at least is apprehended from this revolution in their Councils.

Congress have agreed to Mr. Jays report on the treaty of peace and to an address which accompanies it. Copies of both will no doubt be sent you from his department. The Legislature of this State which was sitting at the time and on whose account the acts of Congress were hurried through, has adjou[r]ned till Jany. next without deciding on them. This is an ominous example to the other States, and must weaken much the claim on Great Britain of an execution of the Treaty on her part as promised, in case of proper steps being taken on ours. Virginia we foresee will be among the foremost in seizing prettexts for evading the injunctions of Congress. S. Carolina is not less infected

with the same spirit. The present deliberations of Congress turn on 1. the sale of the western lands. 2. the Government of the Western settlements within the federal domain. 3. the final settlement of the Accounts between the Union and its members. 4. the {treaty with Spain}.²

1. Between six & seven hundred thousand acres have been surveyed in townships under the land ordinance, and are to be sold forthwith. The place where Congress sit is fixed for the sale. Its excentricity and remoteness from the premises will I apprehend give disgust. On the most eligible plan of selling the unsurveyed residue Congress are much divided; the Eastern States being strongly attached to that of townships, notwithstanding the expence incident to it; the Southern being equally biassed in favor of indiscriminate locations, notwithstanding the many objections agst. that mode. The dispute will probably terminate in some kind of compromise, if one can be hit upon.³

2. The Government of the settlements on the Illinois & Wabash is a subject very perplexing in itself; and rendered more so by our ignorance of many circumstances on which a right judgment depends. The inhabitants at those places, claim protection agst. the savages, and some provision for both criminal and Civil justice. It appears also that land jobbers are among them who are likely to multiply litigations among individuals, and by collusive purchases of spurious titles, to defraud the United States.

3. The settlement of the public accounts has long been pursued in varied shapes, and with little prospect of success. The idea which has long been urged by some of us, seems now to be seriously embraced, of establishing a plenipotentiary tribunal, for the final adjustment of the mutual claims on the great and simple principle of equity. An ordinance for this purpose has been reported by the Treasury board and has made some progress through Congress.⁴ It is likely to be much retarded by the thinness of Congress, as indeed is almost every other matter of importance.

4. The {Spanish negotiation} is in a very {ticklish situation}. You have been already apprized of the {vote of seven states last fall} for {ceding} the {Mississippi} for a {term of years}. From sundry circumstances it was {inferred that Jay was} not {proceeding under this usurped authority}. A late instruction to {him to lay the state} of the {negociation before Congress} has {discovered} that he has {adjusted} with {Guardoqui} an {article} for {suspending} the {use of the Mississippi} by {the citizens of United States.} The report however leaves it {somewhat doubtful how far United States} are {committed by this step} and a {subsequent Report of} the {secretary} on the {seizure of Spanish property} in the {western country} and on {information of discontents} touching the {occlusion of the Mississippi} shews that the probable {consequences of the measure perplex him extremely}. It was nevertheless conceived by the {instructed delegations} to be {their

duty to press a revocation} of the {step taken} in some {form which would least offend Spain} and {least irritate} the {patrons of the vote [of] seven states}. Accordingly {a motion was made} to the {following effect}—that the {present state of the negotiation with Spain and of} the {affairs of United States rendered it expedient} that {you should proceed under a special commission to Madrid} for the {purpose of making such representations} as {might at once impress} on that {court our friendly disposition} and {induce it to relax} on the {contested points} and that the {proper communications} and {explanations} should {be made to Guardoqui relative} to this {change in} the {mode of conducting the negotiation}. This {motion was referred} to {Mr. Jay} whose {report disapproves of it}. In this state the {matter lies}.⁵ Eight {states only being present no effective vote} is to be {expected}. It may notwithstanding be incumbent {on us to try some question} which will at least {mark the paucity of states who abet} the {obnoxious project. Massachusetts} and {New York} alone of the present {states are under that} description; and {Connecticut and New Hampshire alone of} the {absent. Maryland} and {South Carolina} have heretofore been on the {right side}. Their {future conduct} is somewhat problematical. The opinion of {New Hampshire} is only {conjectured}. The {conversion of Rhode Island} countenances a {hope that she too} may in this instance {desert the New England standard}.

The prospect of a full and respectable convention grows stronger every day. Rhode Island alone has refused to send deputies. Maryland has probably appointed by this time. Of Connecticut alone doubts are entertained. The antifederal party in that State is numerous & persevering. It is said that the elections which are now going on, are rather discouraging to the advocates of the Convention. Pennsylvania has added Doctor Franklin to her deputation. There is some ground to calculate on the attendance of Genl. Washington. Our Governor, Mr. Wythe, Mr. Blair, and Col. Mason will pretty certainly attend. The last I am informed is renouncing his errors on the subject of the Confederation, and means to take an active part in the amendment of it. Mr. Henry pretty soon resigned the undertaking. Genl. Nelson was put into his place, who has also declined. He was succeeded by R. H. Lee, who followed his example. Doctor McClurg has been since appointed, and as he was on the spot must have been previously consulted.

Considerable changes are taking place I hear in the County elections in Virginia, and a strong itch beginning to return for paper money. Mr. Henry is said to have the measure in contemplation, and to be laying his train for it already. He will however be powerfully opposed by Col. Mason, if he should be elected & be able to serve, by Monroe, Marshal, and Ludwell Lee (son of R. H. L.) who are already elected, and sundry others of inferior rank. Mr. Harrison the late Governor, has so far regained the favor of Charles City as to be reinstated

a representative. The part which he will take is uncertain. From his repeated declarations he ought to be adverse to a paper emission. My next will probably be from Philada. In the mean time with my fervent wishes for your happiness I remain Yr. Affecte. friend,

Js. Madison Jr.

Deaths. Archibald Cary Esqr.

Jno. Augustine Washington, brother of Genl. W.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:398–401.

¹ See *ibid.*, pp. 210–13, 247–52, 257–58.

² Words printed in braces in this text were written by Madison in cipher.

³ See Edward Carrington to James Monroe, April 18, note 3.

⁴ See Rufus King to Elbridge Gerry, March 25, note 2.

⁵ See Madison's Notes of Debates, April 18, notes 4 and 5. See also the preceding entry and Madison's Notes for April 25 and 26.

Massachusetts and New York Delegates to Congress

[April 23, 1787]

To the United States in Congress assembled.

We the under written Nathaniel Gorham, Rufus King and Nathan Dane, Delegates from the State of Massachusetts and John Haring, Melancton Smith and Egbert Benson, Delegates from the State of New York in the said Congress do for, & in the Name of the said States respectively represent, that the Controversy between the said two States respecting Territory having ceased it is therefore become unnecessary that the Fœderal Court, for the appointment whereof Proceedings have been had in Congress, should convene.¹ Given under our Hands this Twenty third day of April in the Eleventh Year of the Independence of the United States, 1787.

Nathaniel Gorham

John Haring

Rufus King

Melancton Smith

Nathan Dane

Egbt. Benson

RC (DNA: PCC, item 65). Endorsed by Charles Thomson: "Read 24 April 1787. Referred to Mr Johnson, Mr Clarke, Mr Varnum."

¹ For Congress' response to the announcement of this Massachusetts-New York agreement, which was entered on the journals of Congress October 8, 1787, see *JCC*, 32:231, 33:483, 617–29.

Massachusetts and New York Delegates to John Ewing and David Rittenhouse

Gentlemen,

Copy.

New York 23d. April 1787.

In reply to your Letter of the 20th of March, we have the honor to inform you that the Legislatures of Massachusetts & New York have prolonged the Operation of their respective laws for running the boundary line heretofore mentioned; and that this Business may be executed at any time within the present year.¹ Your proposal of proceeding in the months of June & July is entirely satisfactory, and if you will please to mention to us the particular day when you will Commence the Business, we will give due notice to the persons appointed by the respective States to attend you.

With great respect, we have the honor to be, Gentlemen, Your very humil servts.

N Gorham	}	Delets.	J. Haring	}	Deles
R King		from	M. Smith		from
N Dane		Mass	E. Benson		New York

Tr (M-Ar: Revolutionary War Letters). In a clerical hand with signatures added by Rufus King.

¹ For the origin of "this Business," see Massachusetts and New York Delegates to Thomas Hutchins et al., December 9, 1785.

Edward Carrington to Thomas Jefferson

Dear Sir,

New York April 24. 1787

I had the honor to receive your favor of the 16th of Jan. by Colo. Franks,¹ and thank you sincerely as well for the confidence with which you claim my services, as for your friendly communications. The former you may at all times command: the latter will not only be gratefully received, but repaid as far as my attempts to do so can go. The letters to your freinds were immediately forwarded under cover to Doctor Curry. The packages are committed to the care of Mr. Banister, who goes off this day by stage to Richmond. No gentleman before him has been travelling thither by this mode, since the arrival of the packet, and to have committed them to the stage without the immediate Care of a person who was to go the whole way, would have amounted to no more than a consignment to the first stage office in

which they might have been deposited for a night, or perhaps to be thrown into the high way by the first traveller who might conceive himself incommoded by them. There is scarcely an instance of any thing going safely that is casually committed to the stage. Mr. Banister intends to go immediately on, but should he, by any accident be delayed, he will more readily meet with a hand who is going to Richmond further on the way than I shall here, and is apprised of the dispatch which is necessary in the case.

You have doubtless been informed of the measure of a general Convention which was proposed by Virginia in the fall session, for revising and, thoroughly amending the Confederation. Some of the States hesitated upon the adoption of the measure as being unauthorised by Congress, and, of course, improper. To remove every possible difficulty, Congress came to a resolution in February, recommending its adoption; all the states have appointed deputies except Maryland, Connecticut and Rhode Island. Maryland is now in session, and that she will appoint, is not doubted. Connecticut is also in session, and it is believed will appoint. Rhode Island is at all points so anti-federal, and contemptible, that her neglecting the invitation, will probably occasion no demur whatever in the proceedings. The meeting is to take place in Philada. the second Monday in May. Various are the conjectures as to the issue of this meeting, and still more various are the suggested remedies to the defects of our system. I am rather a zealot in the measure because it will operate, at least as an alarm, but whether it will be productive of any immediate effects, may be doubtful. Perhaps that experiment has not yet been made of the present system, which could discover its defects, or point to their remedies; I am certain it is very imperfect, but at the same time there are evident causes for its failure, other than those of defectiveness in the constructure. The best of Governments, like other things, can prosper alone by due attention. America was placed in possession of peace and independence under circumstances which have not only deprived her political systems of the necessary care of her Citizens, but exposed her to the injurious designs of Men, whose interest it has been to destroy the efficiency of Government. A great proportion of the people, being loaded with debt, have found an interest in promoting measures directly opposed to good government, and have been solicitous to direct the public affairs, whilst better men have been inactive, or engrossed by the alluring invitation of ease and plenty in our vast western & southern Regions.

The deputies to the convention for Virginia are Genl. Washington, E. Randolph, G. Wythe, John Blair, Geo. Mason, J. Madison & Jas. McClurg. Mr. Henry, Mr. R. H. Lee & Genl. Nelson have declined ap-

pointments which were offered them. Genl. Washington it is hoped will attend but there is some reason to apprehend the contrary—his state of health is not a good one.

I am pleased to hear of the impressions which have been received in Europe with respect to the late commotions in Massachusetts. A perfect quiet prevails there now, but it is said the elections for the ensuing year are not free of the influence of the Malcontents.

The Convention will be productive of things worth communicating to you, and I will do myself the pleasure to write by the first opportunity that offers after its commencement.

Be good enough to present me to Mr. Short, to whom I will write by the next packet.

I have the Honour to be, with great respect & Esteem, Dr Sir, Your
Most Obt. Servt.,
Ed. Carrington

RC (DLC: Jefferson Papers).

¹ See Jefferson, *Papers* (Boyd), 11:48–50.

Rhode Island Delegates to John Collins

Sir,

Newyork 24th April, 1787.

The following measures have been adopted by Congress since our last communications. The resolution of the twentieth Octr. last is so far repealed, that only two Companies of the Massachusetts' line are retained.¹ Congress have unequivocally declared the operation of the treaty of peace with Great Britain, & recommended to the respective states to repeal all laws repugnant to the principles of that treaty.² The reasons inducing this measure accompany the resolution; & the consequences will be an evacuation of the western posts, provided the States comply, as they certainly will upon principles of right, & of good policy. A copper coinage, upon the federal standard, for the value of one hundred thousand pounds this currency, is established.³ The Contractor gives a premium of fifteen per cent, and loans the whole sum, upon the common funds, for twenty years, with six per cent interest, with an option in the United States, of discharging the debt sooner. The appropriation is for sinking the debt, and well conducted, will produce the best objects of financiering. The pay of the Civil list is reduced.⁴ The western lands already surveyed, are directed to be sold agreeably to the Ordinance for that purpose, in five months, at public vendue, in the place where Congress may set, for not less than one dollar in paper or specie per Acre.⁵ Much attention has been paid to a plan for speedily settling the accounts of the United

States with the individual states, but the want of nine states in representation now impedes the accomplishment of that desirable object.⁶

It is probable that no business, of very essential importance, will be conducted for some time to come, as the public attention is very much engrossed upon the meeting of the delegates in convention, some of whom are members of congress. This period forms a most serious crisis in our political existence! The avowed objects of this new assembly, sanctioned by general opinion, and pointing to the great interests of the whole Union, are too momentous not to claim the attention of the state of Rhode Island! How far an intire adherence to the articles of Confederation may justify the policy of any one or two states in remaining indifferent spectators to the probable events of these arrangements, we shall not presume to decide; but common safety, and the relation a part bears to the whole should have their due influence upon this occasion. As representatives of the state in the General confederacy, we feel no motives but those which are directed to the honor and happiness of all our constituents, and therefore do not urge, but offer our sentiments, that the resolution of Congress for appointing delegates in the convention ought to be complied with.

The Legislature of this state have ordered a prosecution against the printer, in consequence of our letter to Governor Clinton, should we request it. In this matter we acted deliberately, and, as we conceive, with propriety. The peculiarity and delicacy of our situation required an assertion of the dignity of our state, or a submission to the most debasing humility. Our views are fully answered, and we have it now in our power to gratify our feelings to the extremes of generosity.⁷

In a short time, we shall be able to retire from public business, & pay some attention to our private concerns; but in order to obtain that intermission, & preserve a character worthy of those who employed us, we hope for the supplies our appointments intitle us to.

Be pleased sir, to accept our congratulations upon the commencement of a new political Year and, while our most earnest wishes are directed to the prosperity of the state, under the influence of wise and salutary measures, be assured of the great esteem and regard, with which we have the honor of being, your excellency's very obedt. & most humble servants,

J M Varnum.

Peleg Arnold

RC (R-Ar: Letters to Governors). Written by James M. Varnum and signed by Varnum and Peleg Arnold.

¹ For this April 9 repeal, see *JCC*, 32:158-59.

² See Charles Thomson to the States, April 13.

³ See *JCC*, 32:223-25.

⁴ See *JCC*, 128-30.

⁵ For this April 21 decision, see *JCC*, 32:225-26.

⁶ Nine states were most recently represented April 18–21, then again May 7–11, after which Congress was unable even to convene a quorum until July 4, for which see the attendance lists in the Appendix of this volume.

⁷ See Rhode Island Delegates to George Clinton, April 7, note.

James Madison's Notes of Debates

Wednesday April 25 [1787].

Mr. [Madison]¹ Observing to Congs. that he found a settled disinclination in some of the delegations to concur in any conciliatory expedient for defending the Mississippi agst. the operation of the vote of *seven States*, and that it was hence become necessary to attack directly the validity of that measure to the end that the adversaries to it and particularly the instructed delegations,² might at least discharge their duty in the case, made the following motion:

"Whereas it appears by the Report of the Secretary for the department of F. A. made on the instant;³ that in consequence of a vote entered into by seven States on the day of last,⁴ he has proceeded to adjust with Mr. Guardoqui an article for suspending the right of the U.S. to the common use of the River Mississippi below their Southern boundary: And Whereas it is considered that the said vote of seven States having passed in a case, in which the assent of nine States is required by the articles of Confederation, is not valid for the purpose intended by it; and that any further negociations in pursuance of the same, may eventually expose the U.S. to great embarrassments with Spain as well as excite great discontents and difficulties among themselves: Resolved that the Secy. for the said department be informed that it is the opinion of Congress that the said vote of seven States ought not to be regarded as authorising any suspension of the use of the River Mississippi by the U.S.; and that any expectation thereof which may have been conceived on the part of Spain ought to be repressed."⁵

Mr. King reminded Congress that this motion was barred by the rule, that no question should be revived which had been set aside by the previous question, unless the same states or an equal number be present as were present at the time of such previous question. This rule had been entered into in consequence of a similar motion made shortly after the vote of seven States had passed.⁶ Mr. K. contended that this rule was a prudent one & recommended by the practice of all deliberative assemblies, who never suffered questions once agitated & decided to be repeated at the pleasure of the unsuccessful party.

Mr. M[adison] admitted that the rule if insisted on was a bar to his motion; but that he had not expected that it would be called up; being so evidently improper in itself, and the offspring of the intemperance which characterized the epoch of its birth. As it was called up

however it was become necessary that a preliminary motion for its repeal shd. be made, and which he accordingly made. His objections agst. the rule were 1. that it was an attempt in one congs. to bind their successors which was not only impracticable in itself, but highly unreasonable in the very instance which gave birth to the rule. 12 States were on the floor at the time. 7 were for the previous question. 5 agst. it. The casting number therefore was but two. Was it not unreasonable that 11 States unanimously of a contrary opinion should be controuled by this small majority when 12 were present; & yet such would be the operation of the rule, if 11 States only should at any time happen to be present, altho' they should be unanimous in the case.

2. The operation of the rule in another respect was still far more reprehensible. In the former case the 11 States, or even 7 could extricate themselves by a repeal of the rule. In case a number less than 7 should wish to justify themselves by any particular motion, they might be precluded by such a rule: 6 States instructed by their constituents to make a particular proposition, or to enter a particular protest, might be thus fettered by a stratagem of 7 States. In the case actually depending 3 States were instructed, and two if not 3 more ready to vote with them.

3. The practice of other Assemblies did not reach this case; and if it did, the reason of it wd. be inapplicable. The restriction in other assemblies related to the same assembly & even to the same Session. Here the restriction is perpetual—In Legislative assemblies, no great inconvenience could happen from a suspension of a law for a limited time. In Executive Councils, which are involved in the Constitution of Congs., and particularly in military operations, & negociations, the vicicitude of events would often govern, and a measure improper on one day might become necessary the next.

Mr. Clarke & Mr. Varnum contended that the rules of the Congs. for the last year, were not in force during the present, and supposed that a repeal was unnecessary.

In the course of this discussion the question as to the validity of the vote of 7 States and the merits of the proposition of Mr. M[adison] barred by the rule, incidentally came into view. The adversaries to the latter did not maintain the validity, or rather declined studiously giving an opinion on it. They urged only the impropriety of any exposition by Congs. of their own powers & of the validity of their own acts. They were answered that the exposition must lie somewhere, and more properly with Congs. than with one of their *Ministerial* officers—that it was absurd to say that Congs. with information on their table that a Treaty with a foreign nation was going on without a constitutional sanction, should forbear out of such scruple to arrest it, and prevent the dilemma which wd. ensue, of either recognising an unconstitutional proceeding, or of quarrelling with the K. of Spain, that

Congrs. had frequently asserted & expounded their own powers and must frequently be obliged to do so. What was the late address to the States on the subject of the Treaty of peace, but an exposition & vindication of their constitutional powers:⁷ that in the vote itself; the entry "so it was resolved in the affirmative," asserted it to be valid & constitutional; the vote of 7 States when 9 were reqd. being otherwise to be entered like a vote of 6 States in the negative.

It appearing to be the inflexible predetermination of the advocates for the Spanish Treaty, to hold fast every advantage they had got, the question was shortened, and an adjournment took place without any question.

Mr. K. in conversation repeatedly, though not in public debate, maintained that the entry "so it was resolved in the affirmative" decided nothing as to the validity of the vote of 7 States for yielding the Mississippi—and that they amounted to no more than a simple affirmation or summary repetition, of the fact that the said seven States voted in the manner stated.⁸

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:404–6.

¹ Madison later inserted "Madison."

² That is, Virginia, North Carolina, and New Jersey.

³ For John Jay's April 11 report, see *JCC*, 32:184–89.

⁴ That is, August 29, 1786, when Congress repealed the clause in Jay's instructions stipulating the right of Americans to navigate the Mississippi, for which see *JCC*, 31:593–96.

⁵ This motion was not recorded in the journals, nor is it in *PCC*.

⁶ For Rufus King's motion on this subject of August 31, 1786, which was upheld September 1, see *JCC*, 31:609–10, 620–21. See also Charles Pinckney's Speech, August 10, 1786, note 2.

⁷ For which see Charles Thomson to the States, April 13, note.

⁸ Madison later added four exclamation points to the end of this sentence.

Charles Thomson to the States

Sr.

Circular

April 25. 1787

I have the honor of transmitting to your Excy herewith enclosed sundry resolutions passed since my last by the United States in Congress assembled, One empowering the board of treasury to contract for the coining a certain quantity of copper,¹ a second for the Sale of the lands already surveyed in the western territory² And a third extending the priviledge of sending & receiving Letters & packets free of postage to the Members of the Convention to be held at Philada. on the 2 Monday in May next.³

With great respect, I have the honor to be

LB (DNA: PCC, item 18B).

¹ For the adoption of this April 21 resolve, see *JCC*, 32:223–25.

² For these April 21 resolves, see *JCC*, 32:225–27.

³ For this April 23 resolve, see *JCC*, 32:228.

James Madison's Notes of Debates

Thursday April 26 [1787].

The question on the motion to repeal the rule was called for.¹ After some little conversation Mr. Clarke moved that it might be postponed, which was agreed to.

Nothing further was done in this business till Wednesday May 2, when I left N. York for Phila.²

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:407.

¹ That is, the rule of September 1, 1786, "that when a question is set aside by the previous question, it shall not be in order afterwards, formally or substantially to move the same, unless there shall be the same, or as many states represented in Congress," for which see *JCC*, 31:621; and Madison's Notes of Debates, April 25, especially note 6. The rule was repealed on May 10 upon a motion by the Georgia delegates, for which see *JCC*, 32:278–79; and Madison to William Irvine, May 5, note 3.

² Madison later struck out "Phila." and added "the Convention to be held in Philadelphia." He then continued: "It was considered on the whole that the project of shutting the Mississippi was at an end; a point deemed of great importance in reference to the approaching Convention for introducing a Change in the federal Government, and to the objection to an increase of its powers foreseen from the jealousy which had been excited by that project."

Charles Thomson to Robert R. Livingston

Dear Sir,

Office of Secy of Congress, April 26. 1787

Congress having been pleased to direct me to report an inscription for the Monument of Genl Montgomery, I have thought it best to draw it up in terms as nearly as possible conformable to the Act of Congress ordering the Monument. But as I wish to have your sentiments on this subject, I take the liberty of submitting to your consideration the Act of Congress & the draught of the inscription which I have sketched and shall be much obliged if you will favour me with your sentiments & suggest or make any alterations or amendments in form or Substance as you shall think proper.¹

With great respect, I have the honor to be, Dear Sir, Your obedt
humble Servt,

Cha Thomson

RC (NH: Livingston Papers).

¹ Thomson's enclosed draft inscription and a draft of Livingston's response are in the Robert R. Livingston Papers, NH. For Congress' directives to Thomson concerning Montgomery's monument and the inscription that Congress adopted on May 7, see *JCC*, 32:243n, 270, 287n. For the original congressional order for erecting the monument and some of the difficulties encountered in shipping it to New York, see also *JCC*, 4:89-90; and these *Letters*, 22:266n.1.

Charles Thomson to Thomas Jefferson

Dear Sir,

New York April 28. 1787

On the 30 July 1786 I acknowledged the receipt of your letter of the 10 May,¹ wherein you informed me that a botanical friend of yours had written to Charston for a number of plants and seeds which were to be sent to me and forwarded to you by the packet. I heard no more of this matter till yesterday when capt. Lathim delivered me the letter and invoice of which I enclose a copy and informed me the boxes were on board ready to delivered.² I sent immediately to the french Consul to know if the packet was gone. Unfortunately she had sailed the day before.³ As I am obliged to leave town in a day or two and expect to be some weeks absent I consulted Mr Otto who was so obliging as to take charge of the boxes and promises to send them by the next packet. And I have requested the favour of him in case the other box by capt. Tinker arrives before the packet sails to receive and send it also.

I have received your favour of the 17 Decr. last⁴ and am very sorry to hear of your misfortune. I hope before this time you have perfectly recovered the use of your wrist.

In referring you to Mr Whitehurst, I did not mean to recommend him as an Author on which you were to build your faith. But I think you will give him credit for solving some of the objections started by other theorists against the universality of the deluge; and for accounting with a great deal of ingenuity for the present appearances and irregularities on the face of our globe. His eruption will tolerably well account for the oblique position of the strata of rocks which is observable in most parts of the world. But what are we to think of their horizontal position in our Western country? Mr Hutchins the geographer general as well as every other intelligent observer who has been in that country assert this to be the case. Are we to suppose that the surface of the earth in that part of our globe was never broken up?

A gentleman now in that country⁵ lately wrote to me and after mentioning the tradition, which, Doct Robertson says prevailed among the old Mexicans, that their Ancestors came from the northward about the 10th century, has endeavoured to shew from relicks still remaining

that they went from the country bordering on the Ohio. For want of something more entertaining I send you an extract of his letter and am, with sincere esteem & affection, Dear Sir, Your most obedient & humble Servt.,

Cha. Thomson

The three Boxes 19£ 16s. dollrs. @ 4/8.....	84.85
freight 1½ dollar	<u>1.50</u>
	86.35 Dollars

RC (DLC: Jefferson Papers).

¹ See Thomson to Jefferson, July 30, 1786.

² For the invoice and April 28 letter to Louis-Guillaume Otto that Thomson enclosed with this letter, see Jefferson, *Papers* (Boyd), 11:324n.

³ Jefferson penned in the margin at this point "viz apr. 25," and at the end of the next sentence "June 10."

⁴ See *ibid.*, pp. 608–10.

⁵ That is, John Cleves Symmes, for whom see *ibid.*, p. 324n.

William Grayson to James Monroe

Dear Sir

N York Apl. 30th. 1787

I have recieved your two letters for which I am very thankful. I shall attend particularly to the last, and avail myself of such opportunities as may offer to execute your wishes. These things you know appear awkward when introduced out of time; I have already spoken to George Meade a particular friend of mine in Philada.

Affairs go on here very slowly. Mr. Jay has reported to Congress that he and Gardoqui have *adjusted* an article in which the navigation of a certain river is giv'n up: that Mr. Gardoqui has wrote for instructions respecting the limits; the English of the matter is that Rendon has gone to Spain on this business, & if that Court gives up the limits, I have no doubt but the design is to conclude the treaty immedy. Several attempts to reverse the proceedings of the seven States have been made in vain. It is true that we have got Rhode Island & Jersey, but then it is said confidently that So. Carolina & Maryland when they get on the floor will be against us. I think the chances for Delawar are in our favor. If all the States were represented I believe we should carry the point: but there is no expectation that this will be the case during this year: In the mean time Rendon arrives & the question put upon the ratification, which I think will go against us.

The Convention are to meet soon, but am satisfied will effect nothing: or if they do, that the States will not confirm. The Insurgts. of Massachusetts have got full possession of the Governmt. Constitutionally they talk of a depreciating paper, & other villainous acts: & I have no doubt but they will be precisely in the situation of R. Island *without delay*. Congress have agreed to sell the townships that have been sur-

veyed at this place. We have made an unsuccessful attempt at indiscriminate location.¹ A treaty with Morocco is concluded—the Count de Vergennes dead—A close alliance talked of between the King of Prussia & the Emperor. Vermont & Great Brittain upon *close & secret* terms.

I have been with the Ladies at the Sycamore: they are well, but never go any where. Mr. Kortright has kept his room for some time but is apparently well: he has been in fact pretty nearly in the old situation.

You may rely upon me in any instance when I can serve you, & the opportunity of doing this will always give me real happiness. My best regard to Mrs. Monro & remain yr. Affy., Willm. Grayson.

[P.S.] Consider this letter as confidential.

RC (DLC: Monroe Papers).

¹ See Edward Carrington to Monroe, April 18, note 3.

Henry Lee to Edmund Randolph

Sir.

April 30h. 1787, New York.

The delegation have received your Excellencys letr. of the 14h.¹

Nothing yet has been relative to the meeting of the commissioners deputed by the states of Maryland and Virginia, nor will this business be brought forward untill Congress assemble in more strength.²

The enclosed resolution will shew the sense entertained by the united states relative to the unauthorized possession of Port St. Vincents, and their determination to punish the abettors of this insult to the fœderal government.³ Least the leaders of this sedition may learn the intentions of Congress & prepare themselves to continue & extend their opposition, the Executive will please to hold this communication intended only for their own information.

I have the honor to be, Sir, With due consideration & respect your Excellencys most obt serv,

Henry Lee Junr⁴

RC (Vi: Executive Papers).

¹ For which see Madison, *Papers* (Rutland), 9:377–78.

² See Edward Carrington to Randolph, April 2, note 3.

³ See Charles Thomson to Randolph, this date, note 2.

⁴ This day Lee also wrote the following brief letter to John Fitzgerald, a merchant in Alexandria, Va.: "I wrote to you from Baltimore & prayed you to accomplish a bargain for me & yourself with S. West [*i.e.*, *Stephen West, a merchant in Prince Georges County, Md.*] To that letr. I have yet recd. no reply. So solicitous am I to proceed in that project, that I again remind you of it, & beg that you will without fail execute the plan. It is to me very important, & I will supply the cash for the bill if this is necessary rather than fail in the scheme." Lee Additional Manuscripts, ViU.

James Madison to James Monroe

Dear Sir

New York April 30. 1787.

Seeing little chance of a direct conveyance of your furniture to Fredg. we have availed ourselves of one to Norfolk for which it embarked a few days ago under address to the care of Col. Parker. It was accompanied with a certificate protecting it from the duties. I inclose the charges here, which amount to £89.12. of this currency. I did not add the side board, because I wished not to obtain it from Cowdry, and the workmanship of another hand would have destroyed the uniformity of appearance; and because I think it not improbable that you will follow the hint I lately dropt of disposing of the sett in Virga. and ordering a new one; in which case a side-board can be included of a piece with the other articles. Shoud you chuse however to have one provided & sent, I shall feel great pleasure in obeying your orders in that, and every other instance. I have also omitted the windsor chairs, thinking as the charges so far exceed your estimate, it would be well to let you make a comparison with those in Virga. before you advance farther in purchases here. Correct me however in this case also, if I have mistaken your wishes.

I learn from the Assignees of Mordicai that his effects will not pay more than 5/ in the pound. No information yet as to the expected remittance from S.C.

Congs are now reduced to seven States & do nothing. The Legislature here, have adjourned without deciding on the act of Congs. relating to the Treaty of peace. They have done the same as to Vermont. The new elections in Massts. have shifted the Legislative power into the hands of the discontented party, and it is much feared that a grievous abuse of it will characterize the new administration. I shall set off in a few days for Philada. from which my future letters will be dated; and to which I beg yours to be addressed. With the sincerest affection I am Dr Sir, Yr friend & servt. Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:407-8.

Charles Thomson to Edmund Randolph

Sir

Office of Secretary of Congress, April 30th. 1787.

I have the honor to inform Your Excellency that the Act of the Council of the Commonwealth of Virginia of 28th Feby, with the papers enclosed has been duly received and communicated to the United States in Congress Assembled.¹

I have now the honor of transmitting herewith enclosed an Act for dispossessing those Men who have taken possession of post St Vincents.² Though this is a public Act, yet it is thought best not to publish it until the Secy at War shall have made arrangements for carrying it into execution; but as the Citizens of your Commonwealth are principally concerned it is at the desire of Your Delegates forwarded to You.

With great respect, I have the honor to be, Your Excellency's Most Obedient & Most Humble Servt. Cha Thomson

RC (Vi: Continental Congress Papers).

¹ Governor Randolph had sent Congress a number of documents received from Kentucky reporting that settlers under the leadership of Gen. George Rogers Clark had taken the law into their own hands in retaliation against the Spanish closure of the Mississippi River and to control the western Indians. Clark was not only illegally recruiting troops, but his men had taken possession of Vincennes and had seized "all the Goods belonging to the Spanish Merchants at post Vincennes and the Illinois, . . . determined they shall not trade up the river provided they will not let us trade down it." The Virginia Council had condemned Clark's actions as contrary to the laws of Virginia and the treaty obligations of the United States, and asked Congress to communicate Virginia's disavowal of these activities to the Spanish minister to the United States. These papers were laid before Congress March 28 and referred to the secretary for foreign affairs, John Jay, who reported on April 13, for which see *JCC*, 32:141n, 147, 189–204; and *PCC*, item 71, 2:491–526. See also Virginia Delegates to Randolph, February 12, note 1.

² This April 24 "act" ordering United States troops on the Ohio to take steps for the immediate recovery of Vincennes was adopted upon the recommendation of the secretary at war, Henry Knox, who had received a report from Lt. Col. Josiah Harmar at Fort Pitt on "the usurpation of the public lands" by George Rogers Clark's men. See *JCC*, 32:213, 222, 231, 333.

James Madison's Notes

April 1787.¹

Vices of the political
system of the U. States

Observations by J.M.²

1. Failure of the States to comply with the Constitutional requisitions.

1. This evil has been so fully experienced both during the war and since the peace, results so naturally from the number and independent authority of the States and has been so uniformly exemplified in every similar Confederacy, that it may be considered as not less radically and permanently inherent in, than it is fatal to the object of, the present System.

2. Encroachments by the States on the federal authority.

2. Examples of this are numerous and repetitions may be foreseen in almost every case where any favorite object of a State shall present a temptation. Among these examples are the wars and Treaties of Georgia with the Indians³—The unlicensed compacts between Virginia and Maryland, and between Penna. & N. Jersey—the troops raised and to be kept up by Masss.

3. Violations of the law of nations and of treaties.

3. From the number of Legislatures, the sphere of life from which most of their members are taken, and the circumstances under which their legislative business is carried on, irregularities of this kind must frequently happen. Accordingly not a year has passed without instances of them in some one or other of the States. The Treaty of peace—the treaty with France—the treaty with Holland have each been violated. [See the complaints to Congress on these subjects].⁴ The causes of these irregularities must necessarily produce frequent violations of the law of nations in other respects.

As yet foreign powers have not been rigorous in animadverting on us. This moderation however cannot be mistaken for a permanent partiality to our faults, or a permanent security agst. those disputes with other nations, which being among the greatest of public calamities, it ought to be least in the power of any part of the Community to bring on the whole.

4. Trespasses of the States on the rights of each other.

4. These are alarming symptoms, and may be daily apprehended as we are admonished by daily experience. See the law of Virginia restricting foreign vessels to certain ports—of Maryland in favor of vessels belonging to her *own citizens*—of N. York in favor of the same.

Paper money, instalments of debts, occlusion of Courts, making property a legal tender, may likewise be deemed aggressions on the rights of other States. As the Citizens of every State aggregately taken stand more or less in the relation of Creditors or debtors, to the Citizens of every other States, Acts of the debtor State in favor of debtors, affect the Creditor State, in the same manner, as they do its own citizens who are relatively creditors towards other citizens. This remark may be extended to foreign nations. If the exclusive regulation of the value and alloy of coin was properly delegated to the federal authority, the policy of it equally requires a controul on the States in the cases above mentioned. It must have been meant 1. to preserve uniformity in the circulating medium throughout the nation. 2. to prevent those frauds on the citizens of other States, and the subjects of foreign powers, which might disturb the tranquility at home, or involve the Union in foreign contests.

The practice of many States in restricting the commercial intercourse with other States, and putting their productions and manufactures on

the same footing with those of foreign nations, though not contrary to the federal articles, is certainly adverse to the spirit of the Union, and tends to beget retaliating regulations, not less expensive & vexatious in themselves, than they are destructive of the general harmony.

5. Want of concert in matters where common interest requires it.

5. This defect is strongly illustrated in the state of our commercial affairs. How much has the national dignity, interest, and revenue suffered from this cause? Instances of inferior moment are the want of uniformity in the laws concerning naturalization & literary property; of provision for national seminaries, for grants of incorporation for national purposes, for canals and other works of general utility, wch. may at present be defeated by the perverseness of particular States whose concurrence is necessary.

6. Want of Guaranty to the States of their Constitutions & laws against internal violence.

6. The confederation is silent on this point and therefore by the second article the hands of the federal authority are tied.⁵ According to Republican Theory, Right and power being both vested in the majority, are held to be synonymous.³ According to fact and experience a minority may in an appeal to force, be an overmatch for the majority. 1. If the minority happen to include all such as possess the skill and habits of military life, & such as possess the great pecuniary resources, one third only may conquer the remaining two thirds. 2. One third of those who participate in the choice of the rulers, may be rendered a majority by the accession of those whose poverty excludes them from a right of suffrage, and who for obvious reasons will be more likely to join the standard of sedition than that of the established Government. 3. Where slavery exists the republican Theory becomes still more fallacious.

7. Want of sanction to the laws, and of coercion in the Government of the Confederacy.

7. A sanction is essential to the idea of law, as coercion is to that of Government. The federal system being destitute of both, wants the great vital principles of a Political Constitution.³ Under the form of such a Constitution, it is in fact nothing more than a treaty of amity of comierce and of alliance, between independent and Sovereign States. From what cause could so fatal an omission have happened in the articles of Confederation? from a mistaken confidence that the justice, the good faith, the honor, the sound policy, of the several legislative assemblies would render superfluous any appeal to the ordinary motives by which the laws secure the obedience of individuals: a confidence which does honor to the enthusiastic virtue of the compilers, as much as the inexperience of the crisis apologizes for their errors. The time which has since elapsed has had the double effect, of increasing

the light and tempering the warmth, with which the arduous work may be revised. It is no longer doubted that a unanimous and punctual obedience of 13 independent bodies, to the acts of the federal Government, ought not be calculated on. Even during the war, when external danger supplied in some degree the defect of legal & coercive sanctions, how imperfectly did the States fulfil their obligations to the Union? In time of peace, we see already what is to be expected. How indeed could it be otherwise? In the first place, Every general act of the Union must necessarily bear unequally hard on some particular member or members of it. Secondly the partiality of the members to their own interests and rights, a partiality which will be fostered by the Courtiers of popularity, will naturally exaggerate the inequality where it exists, and even suspect it where it has no existence. Thirdly a distrust of the voluntary compliance of each other may prevent the compliance of any, although it should be the latent disposition of all. Here are causes & pretexts which will never fail to render measures abortive. If the laws of the States, were merely recommendatory to their citizens, or if they were to be rejudged by County authorities, what security, what probability would exist, that they would be carried into execution? Is the security or probability greater in favor of the acts of Congress, which depending for their execution on the will of the state legislatures, are tho' nominally authoritative, in fact recommendatory only.

8. Want of ratification by the people of the articles of Confederation.

8. In some of the States the Confederation is recognized by, and forms a part of the constitution. In others however it has received no other sanction than that of the Legislative authority. From this defect two evils result:³ 1. Whenever a law of a State happens to be repugnant to an act of Congress, particularly when the latter is of posterior date to the former, it will be at least questionable whether the latter must not prevail;⁶ and as the question must be decided by the Tribunals of the State, they will be most likely to lean on the side of the State. 2. As far as the Union of the States it to be regarded as a league of sovereign powers, and not as a political Constitution by virtue of which they are become one sovereign power, so far it seems to follow from the doctrine of compacts, that a breach of any of the articles of the confederation by any of the parties to it, absolves the other parties from their respective obligations, and gives them a right if they chuse to exert it, of dissolving the Union altogether.

9. Multiplicity of laws in the several States.

9. In developing the evils which viciate the political system of the U.S. it is proper to include those which are found within the States individually, as well as those which directly affect the States collectively, since the former class have an indirect influence on the general malady and must not be overlooked in forming a compleat remedy.

Among the evils then of our situation may well be ranked the multiplicity of laws from which no State is exempt. As far as laws are necessary, to mark with precision the duties of those who are to obey them, and to take from those who are to administer them a discretion, which might be abused, their number is the price of liberty. As far as the laws exceed this limit, they are a nuisance; a nuisance of the most pestilent kind. Try the Codes of the several States by this test, and what a luxuriandy of legislation do they present. The short period of independency has filled as many pages as the century which preceded it. Every year, almost every session, adds a new volume. This may be the effect in part, but it can only be in part, of the situation in which the revolution has placed us. A review of the several codes will shew that every necessary and useful part of the least voluminous of them might be compressed into one tenth of the compass, and at the same time be rendered tenfold as perspicuous.

10. Mutability of the laws of the States.

10. This evil is intimately connected with the former yet deserves a distinct notice, as it emphatically denotes a vicious legislation. We daily see laws repealed or superseded, before any trial can have been made of their merits; and even before a knowledge of them can have reached the remoter districts within which they were to operate. In the regulations of trade this instability becomes a snare not only to our citizens but to foreigners also.

11. Injustice of the laws of States.

11. If the multiplicity and mutability of laws prove a want of wisdom, their injustice betrays a defect still more alarming; more alarming not merely because it is a greater evil in itself, but because it brings more into question the fundamental principle of republican Government, that the majority who rule in such Governments, are the safest Guardians both of public Good and of private rights. To what causes is this evil to be ascribed?

These causes lie 1. in the Representative bodies. 2. in the people themselves.

1. Representative appointments are sought from 3 motives. 1. ambition. 2. personal interest. 3. public good. Unhappily the two first are proved by experience to be most prevalent. Hence the candidates who feel them, particularly, the second, are most industrious, and most successful in pursuing their object: and forming often a majority in the legislative Councils, with interested views, contrary to the interest, and views, of their Constituents, join in a perfidious sacrifice of the latter to the former. A succeeding election it might be supposed, would displace the offenders, and repair the mischief. But how easily are base and selfish measures, masked by pretexts of public good and apparent expediency? How frequently will a repetition of the same

arts and industry which succeeded in the first instance, again prevail on the unwary to misplace their confidence?

How frequently too will the honest but unenlightened representative be the dupe of a favorite leader, veiling his selfish views under the professions of public good, and varnishing his sophistical arguments with the glowing colours of popular eloquence?

2. A still more fatal if not more frequent cause lies among the people themselves. All civilized societies are divided into different interests and factions, as they happen to be creditors or debtors—Rich or poor—husbandmen, merchants or manufacturers—members of different religious sects—followers of different political leaders—inhabitants of different districts—owners of different kinds of property &c. &c. In republican Government the majority however composed, ultimately give the law. Whenever therefore an apparent interest or common passion unites a majority what is to restrain them from unjust violations of the rights and interests of the minority, or of individuals? Three motives only 1. a prudent regard to their own good as involved in the general and permanent good of the Community. This consideration, although of decisive weight in itself, is found by experience to be too often unheeded. It is too often forgotten, by nations as well as by individuals that honesty is the best policy. 2dly. respect for character. However strong this motive may be in individuals, it is considered as very insufficient to restrain them from injustice. In a multitude its efficacy is diminished in proportion to the number which is to share the praise or the blame. Besides, as it has reference to public opinion, which within a particular Society, is the opinion of the majority, the standard is fixed by those whose conduct is to be measured by it. The public opinion without the Society, will be little respected by the people at large of any Country. Individuals of extended views, and of national pride, may bring the public proceedings to this standard, but the example will never be followed by the multitude. Is it to be imagined that an ordinary citizen or even assembly-man of R. Island in estimating the policy of paper money, ever considered or cared, in what light the measure would be viewed in France or Holland; or even in Masss or Connect.? It was a sufficient temptation to both that it was for their interest: it was a sufficient sanction to the latter that it was popular in the State; to the former that it was so in the neighbourhood. 3dly. will Religion the only remaining motive be a sufficient restraint? It is not pretended to be such on men individually considered. Will its effect be greater on them considered in an aggregate view? quite the reverse. The conduct of every popular assembly acting on oath, the strongest of religious Ties, proves that individuals join without remorse in acts, against which their consciences would revolt if proposed to them under the like sanction, separately in their closets. When indeed Religion is kindled into enthusiasm, its

force like that of other passions, is increased by the sympathy of a multitude. But enthusiasm is only a temporary state of religion, and while it lasts will hardly be seen with pleasure at the helm of Government. Besides as religion in its coolest state, is not infallible, it may become a motive to oppression as well as a restraint from injustice.

Place three individuals in a situation wherein the interest of each depends on the voice of the others, and give to two of them an interest opposed to the rights of the third? Will the latter be secure? The prudence of every man would shun the danger. The rules & forms of justice suppose & guard against it. Will two thousand in a like situation be less likely to encroach on the rights of one thousand? The contrary is witnessed by the notorious factions & oppressions which take place in corporate towns limited as the opportunities are, and in little republics when uncontrouled by apprehensions of external danger. If an enlargement of the sphere is found to lessen the insecurity of private rights, it is not because the impulse of a common interest or passion is less predominant in this case with the majority; but because a common interest or passion is less apt to be felt and the requisite combinations less easy to be formed by a great than by a small number. The Society becomes broken into a greater variety of interests, of pursuits, of passions, which check each other, whilst those who may feel a common sentiment have less opportunity of communication and concert. It may be inferred that the inconveniences of popular States contrary to the prevailing Theory, are in proportion not to the extent, but to the narrowness of their limits.⁷

The great desideratum in Government is such a modification of the Sovereignty as will render it sufficiently neutral between the different interests and factions, to controul one part of the Society from invading the rights of another, and at the same time sufficiently controuled itself, from setting up an interest adverse to that of the whole Society. In absolute Monarchies, the prince is sufficiently, neutral towards his subjects, but frequently sacrifices their happiness to his ambition or his avarice. In small Republics, the sovereign will is sufficiently controuled from such a Sacrifice of the entire Society, but is not sufficiently neutral towards the parts composing it. As a limited Monarchy tempers the evils of an absolute one; so an extensive Republic meliorates the administration of a small Republic.

An auxiliary desideratum for melioration of the Republican form is such a process of elections as will most certainly extract from the mass of the Society the purest and noblest characters which it contains; such as will at once feel most strongly the proper motives to pursue the end of their appointment, and be most capable to devise the proper means of attaining it.

12. Impotence of the laws of the States.

MS (DLC: Madison Papers). Madison, *Papers* (Rutland), 9:345–58.

¹ Madison's attention since his return to Congress in February had become focused on the structure of a new government, and the idea and theories found in his correspondence during the winter and spring of 1787 and in these "Observations" became a prominent part of the Virginia Plan proposed on May 29 at the Philadelphia Convention. For more than a year he had drawn on his broad experience in state and national service and his keen interest in political history in analyzing the impotence of government under the Articles of Confederation. An earlier product, "Notes on Ancient and Modern Confederacies," was completed in the spring of 1786, when he was out of Congress, for which see *ibid.*, pp. 3–22. Its complement, "Vices of the Political System of the U. States," not only concentrated on the failure of the Confederation but stressed the inadequate and negligent nature of state government. Madison's remedy—to lodge sovereignty in the general government to check the pernicious effects of majority factionalism in the states and thus preserve private rights—became the basis of the new federal system created in Philadelphia.

Despite the "April 1787" date that Madison assigned to these "Observations," he had apparently begun compiling them upon arriving in New York. Between each of the twelve enumerated "Vices" and "Observations," which he wrote in parallel columns rather than in the format printed here, he left sufficient room in the manuscript to add further commentaries as they occurred to him. They were left incomplete, however, for Madison failed to develop the twelfth subject—"Impotence of the laws of the States." The text is presented here as revised by Madison, although some of the revisions may have been made at a later time. See, for example, the following note. For Madison's extensive preparation for the federal convention in Philadelphia, his contributions to its deliberations, and his defense of the completed Constitution, see *ibid.*, vol. 10; and William Lee Miller, *The Business of May Next: James Madison and the Founding* (Charlottesville: University of Virginia Press, 1992).

² Madison added "by J.M." at a later time, apparently when he wrote immediately thereafter "(a copy taken by permission by Danl. Carroll & sent to Chs Carroll of Carrollton)." Daniel Carroll of Maryland was also a delegate to the federal convention and probably made his copy at that time.

³ At this point in the manuscript Madison inserted an "index" ¶ in the left margin.

⁴ Madison bracketed this sentence and inserted an "index" ¶ in the left margin.

⁵ That is, the hands of Congress were "tied" because the states retained full sovereignty and independence under the second article of Confederation as well as "every Power, Jurisdiction and right, which is not . . . expressly delegated to the United States, in Congress assembled." Under Article IV, Section 4 of the Federal Constitution, however, the United States guaranteed all states "a Republican Form of Government" and protection against "Invasion" and "domestic Violence." See *JCC*, 19:214, 33:498–99.

⁶ At a later date someone other than Madison revised this sentence, interlining "former" where Madison had written "latter" and "latter" where he had written "former."

⁷ For a discussion of Madison's expansion of his theory of the extended republic, see Madison, *Papers* (Rutland), 9:358n.10.

Edward Carrington to James Monroe

My dear Sir

New York May 1. 1787.

The result of a consultation between Mr. Madison and myself was that your furniture be shipped to the care of Colo Josiah Parker at Norfolk, the chance of an early opportunity directly to Fredericksburg being but precarious—the measure has accordingly been put into

practice as the inclosed papers shew. The certificate of the articles being manufactured here, is to exempt you from the duties upon foreign goods. I have written to Colo. Parker and requested him to receive and forward the consigned property to you, and also to advance the freight in your account—his good disposition to serve his friends ensures you the full observance of the request, and I hope you will receive the furniture in good order. If you can dispose of this adventure so as to serve yourself, you may at this time replace it with much better articles at prices at least as low, and perhaps lower. Should you adopt this measure we shall be happy to aid you in carrying into execution that part which is to be done here.

I am favoured with yours of the 10th Ult. I am happy that you have participated in the use of my Books with my Nephew, they are of no use to me where they are, nor is it worth while to bring them here. They will remain at your service for Several terms. I will attend to your request as to the Laws of the several states, and I beg you to command me freely in all cases where I can be useful to you.

The event of the Spotsylvania election as it respects you, secures my first and most anxious wish, in this annual business. I at the same time cannot but confess my regret that it should exclude from the Assembly a man of Mr. Pages¹ probity, good sense and fortune, nor can I forbear to express the flattering anticipations I have Conceived of the public good which will result from the services of your Colleague. He is a young Man of whom I have really received favourable impressions. It seems you will have to combat the wicked attempts of the paper money faction, and I hope you will procure a second triumph over that desperate band. We have it here that Mr. Henry has brought over the people of his County to the measure—if so, I fear the disorder will extend through the southern parts of the state, so as to render the success of an opposition to him precarious. Your situation at Richmond enables you to give me some information upon this point.

Be good enough to present me to Mrs. M. and believe me to be with great affection, Your Most Obt Servt., Ed. Carrington

RC (ViW: Monroe Collection).

¹ That is, Mann Page, Jr. (ca. 1749–ca. 1810), who was not reelected to the Virginia Assembly from Spotsylvania County, which sent Monroe, for which see James Madison to Monroe, April 19, note 4.

Charles Thomson's Memorandum Book

May 2d, 1787.

Transmitted to the Office for foreign Affairs to be filed Letters from Mr Jefferson—¹

Jany. 27, April 23d, May 2d, July 8th, Augt. 11th, Sept. 26th,	
Novr. 12th, Decr. 31st.	1786.
Feby. 1st, Feby. 8th.	1787.
Octr. 11th	1785.
Letters from Mr Adams. ²	
Novr. 4th & 5th.	1785.
May 16th, 25th, 28th, June 6th, July 31st, Novr. 30th	1786.
Jany. 9th, Feby. 3d.	1787.
Mr Adams & Mr Jefferson—April 25th ³	1786.
Letters from Mr Carmichael. ⁴	
Augt. 14th, July 15th dupl., Sept. 2d & 10th dupl.	1786.
Letters from Col. Smith. ⁵	
April 11th, May 10th, 29th, June 15th, Sept. 4, Octr. 11th,	1786.
Jany. 3d, 1787—The pamphlet transmitted to Congress in this letter containing british Account of Acts of New York repugnant to the treaty—missing. ⁶	
Letters from Mr Barclay.	
two of Octr. 4th 1786. ⁷	
Letters from Marquis de la Fayette.	
Octr. 28th 1786. Feby 7th 1787. ⁸	
Letters from Mr Lamb. Octr. 10th. ⁹	1786.
from Mr Otto Decr. 21st ¹⁰	1786.
from Mr Dumas Octr. 25th ¹¹	1786.

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, April 2, 1787.

¹ For these Thomas Jefferson letters to John Jay, see PCC, item 87, 1:129–32, 225–28, 247–57, 514–17, 588–90, 650–53, 766, 790–92, item 107, 1:424–30, 2:1; and Jefferson, *Papers* (Boyd), 8:606–9, 9:233–36, 402–5, 514–16, 10:99–101, 220–22, 405–6, 519–23, 649–51. There are actually two letters from Jefferson to Jay of April 23, 1786, and none of May 2, which probably is a clerical error for May 12.

² These John Adams letters to Jay are in PCC, item 84, 5:713–28, 6:179–204, 211–12, 347–50, 359–65, 419–21.

³ See PCC, item 86, fols. 373–75; and Jefferson, *Papers* (Boyd), 9:406–9.

⁴ These William Carmichael letters to Jay are in PCC, item 88, fols. 428–31, 456–61, 468–80.

⁵ These William Stephens Smith letters (there are actually two of September 4) are in PCC, item 92, fols. 49, 63, 73–75, 90–91, 144–46, 148, 160–63, 168–71.

⁶ Pamphlet not identified, but it was sent to Smith by David Hartley with the following observation. "I have lately met with a pamphlet upon the subject of some proceedings in the state of New York respecting the Loyalists & the concerns of British Merchants & creditors. The preface declares the object of this compilation. I fear the tendency of it will be to create & foment a spirit of alienation between Great Britain and the United States of America." Hartley's December 1 letter to Smith and Smith's December 2 reply were also enclosed with Smith's January 3 letter to Jay. *Ibid.*, fols. 172–78.

⁷ Actually a single letter of October 4 with two enclosures, for which see PCC Miscellaneous Papers, M332, reel 3, fols. 311–17.

⁸ See PCC, item 156, fols. 450–55.

⁹ This John Lamb letter is in PCC, item 91, fols. 525–30.

¹¹ No letter of this date from Charles W. F. Dumas is in the PCC, although a draft of one to John Jay of October 23 is in the Dumas Papers, Inventaire II, fol. 845, Algemeen Rijksarchief, The Hague, DLC microfilm.

Charles Thomson to Certain States

I have the honor to transmit to Your Excellency herewith enclosed an Act of the United States in Congress Assembled passed the 3d Inst. recognizing Phineas Bond Esqr. as Consul of his britannic Majesty throughout the States of New York, N Jersey, Pensylvania, Delaware and Maryland.¹

¹For the adoption of the enclosed "Act," on the recommendation of secretary for foreign affairs John Jay and after prolonged debate, see *JCC*, 32:253-55; and James Madison's Notes of Debates, March 30.

James Madison to William Irvine

When I left N. York which was on Thursday last nothing had been done in the business which you had particularly at heart. A motion was made soon after you left us, to the effect which you urged. It was referred to the department to which the subject of it belonged. The report disapproved of the expedient and it was found needless to pursue it farther in Congress.² The next proposition was that the invalidity of the *unconstitutional vote*, should be declared, as an instruction to the proper department. To the admission of this proposition, the rule formerly entered into, was urged in bar. It was then proposed that the rule should be repealed. This also was refused by those whose concurrence in so thin a Congs. was necessary. No final vote therefore was taken on any of the motions, and in this State I left the matter.³ Whether any further attempt will be made in the present thin state of Congs. or when a full Congs. will be together, are questions which I can not answer. Most of the other business remained in the state you left it.⁴ I shall not return to N. York before the meeting of the Convention which is to commence on Monday week. Maryland has appointed

deputies to this assembly. R. Island had refused to appt. before you set out from N. York. Connecticut has not yet decided on the subject. All the other States as you know have concurred. With sincere esteem & regard I am Dear Sir, Your mo. obt. hb[c Servt?]

Js. Madison Jr.

RC (PHi); reprinted from Madison, *Papers* (Rutland), 9:409–10.

¹ This letter is the first of a series written by delegates to Congress who were also delegates to the Constitutional Convention, which met in Philadelphia from May 14 to September 17, 1787. In addition to Madison, congressional delegates who also attended the Constitutional Convention at some point included William Blount (North Carolina), Pierce Butler (South Carolina), William Few (Georgia), Nicholas Gilman (New Hampshire), Nathaniel Gorham (Massachusetts), William Samuel Johnson (Connecticut), Rufus King (Massachusetts), John Langdon (New Hampshire), and William Pierce (Georgia). Two others, Abraham Clark of New Jersey and Richard Henry Lee of Virginia, were elected to both bodies but attended only the Congress. And Erastus Wolcott of Connecticut and John Pickering and Benjamin West of New Hampshire were elected to both bodies but attended neither.

This Madison letter has been printed here in full. Several of the others written by congressional delegates while they were attending the convention in Philadelphia have been merely abstracted in this volume, preserving only passages treating public concerns.

² Madison is referring here to his April 18 motion to remove the Spanish negotiations to Madrid which was negated by John Jay's report of April 20, for which see Madison's Notes of Debates, April 18, notes 4 and 5.

³ For Madison's April 25 motion to repeal the "*unconstitutional vote*" of August 29, 1786, and his further motion to overturn Rufus King's "rule" of September 1, 1786, see Madison's Notes of Debates, April 25 and 26. Although Madison had been unsuccessful in reopening the Mississippi question, his effort to circumvent King's parliamentary maneuver succeeded on May 10 when the Georgia delegates, William Few and William Pierce, moved to repeal the order, which was agreed to by seven states. See *JCC*, 32:278–79.

⁴ Irvine left New York after Congress met on April 13. See *JCC*, 32:204–5.

Henry Lee to Edmund Randolph

Sir

New York May 7h. 1787.

In conformity to the usage of the delegation I had the honor to address the executive eight days past, since which period nothing interesting has occurred.

Public business of every sort progress lento pede, owing to the irregular representation in Congress, or in other words, to the radical inadequacy of the government to its objects.

We are now flattered with the prospect of nine states, which rare event, we will not fail, to use in bringing into view the meeting of commercial commissioners deputed by the states of Virginia & Maryland.¹ The report of the death of the count de Vergennes is since confirmed by letters from Mr. Jefferson. This celebrated statesman is succeeded by the Marquis of Montmorin a particular friend & co-adjutor of the

departed premier, which precludes the probability of change in the political system of France.

I have the honor to be, with due consideration & respect your most
obt sr
Henry Lee Junr

RC (Vi: Continental Congress Papers).

¹ See Edward Carrington to Randolph, April 2, note 3. See also Lee to Randolph, May 15, note 1.

William Samuel Johnson to Samuel Huntington

Sr. Stratford 9th. May 1787.

I had the Honor to receive yr. Excellys. favour of the 21st Ult.,¹ soon after the Honl. Mr. Mitchell left N York, & in consequence thereof continued there, in daily expectation of Mr. Sturgis's arrival, till the latter end of last Week, when I came here, expecting, however, to find him ready in a few Days to return with me to Congress. Soon after my Arrival here I found that Mr. Sturgis was at Hartford. This renders it doubtful what part I am to take, whether to return to N York & expect a Colleague to continue the Representation of the State in Congress, or go on to Hartford. I beg therefore yr. Excellys. direction upon the subject. Nothing very material had occur'd in Congress after Mr. Mitchells departure. Delegates had arrived from Maryland, so that I left eight States Assembled. The Meeting of the Convention next Monday will probably take off one or two States. I shall be prepar'd to pursue yr. Excells. directions, only observing that if I am to return to N York,² Money will be necessary from the Treasury for Expences.

I have the Honor to be with the greatest respect & Esteem, Yr. Excellys. most obedient, humble Servant,
Wm. Saml. Johnson

RC (PHi: Gratz Collection).

¹ Governor Huntington's April 21 letter is in the Johnson Papers, CtHi.

² For Johnson's return to New York, while en route to Philadelphia to attend the constitutional convention, see Johnson to Samuel William Johnson, May 30.

Roger Alden to William Samuel Johnson

Hond. Sir. New York May 13th. 1787.

I recd Yours enclosing a letter to General Parsons which I delivered to him & another to Mrs Verplank and was happy to hear that You and the family were all well.

I have been very busily employed since You and Mr Thomson left town,¹ and had I been more accustomed to do the business, I should have enjoyed more pleasure in discharging my duty. But I believe that I have made no mistakes, and have the satisfaction to be told that I do it very well. The ordinance for appointing a board of Commissioners to settle the public Accounts & the proceedings on the motion for adjournment have been the most perplexing²—and some of my friends anticipating my wishes, were kind enough to advise & assist me.

On Monday last 9 States were represented, by the return of Mr Mitchell from Delaware. On Tuesday the first trial of power appeared by a Motion for the repeal of the order of Sept. 1st, 1786, respecting the operation of the previous Question. This was effected on Thursday following—& succeeded by Mr Kearny's motion for Adjournment.³ The debates continued till four o'clock—and the Jersey Members, being a little impatient, having gone to dine, prevented any decision. The next morning opened with the Mississippi business on the application of Mr Jay for express instructions.⁴ After long debates the letter was referred to a Committee of 5. Between three and four o'clock—the Motion for adjournment was taken up. After some warm and animated speeches by the Minority, Mr K——⁵ observed, that if the Majority were determined, nolens et volens, to carry the Question, he should request time to prepare a motion to lay before the house, and if he found them not liberal enough to grant the indulgence he should demand it in right of his State. He was frank enough to declare, that it was his opinion that the house hadn't power by the confederation to adjourn for any period beyond a certain time without appointing a Committee of the States, and as 9 States were necessary to empower the Committee, he should prepare his business for the house to decide upon. This produced much altercation, during this, the State of New Jersey was unrepresented and Mr S——n⁶ was not to be found. Then the Majority had their fears, and Mr Pet——t,⁷ in his place, observed—that if he was supported by his colleagues he should require the matter to be postponed until tomorrow in right of his State. The impropriety of this step aroused the minority, & some of the warmest expressions fell from some of the Gentlemen that I have ever heard—and in the midst of the confusion—Adjourn, Adjourn was cried—and carried—and left the business as it was taken up.

I[t] appears that the Majority were confident of success and Mr Sch——n had requested the ferry boat to wait for him to a certain time. This having elapsed, he made the best of his way fearing a disappointment—and left his friends to lament his absence, and the loss of their cause.⁸

How many States will be present tomorrow is uncertain.⁹ Mr Few went on to Philadelphia yesterday, and it was thought that some other Gentlemen would leave town. How the fact is I am not able to say.

Another vessel is arrived from Bermuda, but no letters from Mr Johnson. Mr Dickinson informs me that neither of these will return again. He expects one every day which he shall order back immediately.

I intended to have given You a better copy of this letter, but as I have a long one to finish for Mr Thomson & several others to write before 8 o'clock You must excuse it—but be assured to please & serve You is the anxious desire of Your sincere & affectionate friend & Humble servant,

R Alden

RC (CtHi: Johnson Papers).

¹ Secretary Charles Thomson apparently went home to Philadelphia the week-end of May 5–6, after signing a circular letter to several states May 4, and returned to New York the week-end of June 23–24. Writing to Thomas Jefferson on April 28, Thomson explained that he would be leaving New York “in a day or two and expect to be some weeks absent,” and writing to the French chargé d'affaires Louis-Guillaume Otto the same day he stated that “I purpose setting out for Philadelphia about the middle of next week.” Thomson Papers, DLC. Deputy Secretary Alden maintained the journals of Congress from the entry for May 2 through June 23. PCC, item 1, vol. 38.

² See Rufus King to Elbridge Gerry, March 25, note 2; and James Madison's Notes of Debates, April 10 and 11, 1787.

³ For the context of these motions and debates, see James Madison's Notes, April 25 and 26. For the action taken Thursday, May 10, see *JCC*, 32:278–80.

⁴ *Ibid.*, pp. 288–90.

⁵ Rufus King.

⁶ James Schureman.

⁷ Charles Pettit.

⁸ This incident also became known outside the halls of Congress, eventually coming to the attention of the new French minister to the United States, the comte de Moustier, who arrived in January 1788. And Moustier subsequently related it to the French foreign minister, the comte de Montmorin, to prepare him for understanding some of the challenges they might encounter in dealing with a fragile United States government.

“Telle est l'organisation vicieuse du Congrès,” Moustier wrote in a dispatch of June 25, 1788, “indépendamment de son manque d'autorité, qu'un seul membre peut par son absence ou en se retirant au moment de donner sa voix faire manquer une affaire même de la plus grande connoissance. On en a eu un exemple frappant l'année dernière. Le Congrès délibéroit s'il quitteroit Newyork, neuf Etats étoient représentés, celui de jersey ne l'étoit que par deux membres sur lesquels on comptoit. Au moment de prononcer un des Membres se lève, prend sa canne et son chapeau; on a beau vouloir le retenir, il part, va droit au *Ferry* et repasse la rivière pour retourner chés lui. C'est cependant un corps ainsi organisé, à qui l'on a à faire toutes les demandes et tous les traités.” *AHR* 8 (July 1903): 732.

⁹ In fact, only six states were represented when Congress attempted to convene on Monday, May 14, the same number that was present on Saturday, May 12. Furthermore, with several delegates off to Philadelphia to attend the federal convention, Congress was unable to achieve a quorum again until July 4, when seven states were again represented for the first time since May 11, and elected William Grayson “chairman” in the absence of President Arthur St. Clair. See *JCC*, 32:292–303; and St. Clair to Charles Thomson, May 18.

Henry Lee to Edmund Randolph

Sir,

New York May 15h 1787

The delegation have not had the honor of a letter from your Excellency for three weeks, on our part the correspondence has been regularly preserved.

In conformity to the information contained in my last we brought before Congress a report of a committee to whom was referred the resolutions of the Legislature of Virga. relative to the meeting of commercial deputys from that state & Maryland.

The enclosed extract from the Journals will shew the sense of Congress on this business.¹

It was with reluctance that the desire of our country was denied, but it was considered as indispensably necessary on a national view of the subject.

The opposition contended that all partial regulations of commerce were inpolitic as they tended to procrastinate and impede the adoption of a general system, & might lead to sepearate interests which might beget sepearate leagues & ultimately produce divisions of the Union, which event is deprecated by all who feel for the dignity & happiness of these states.

At present we have not more than six states, nor is there a probability of an encrease during the sitting of the foederal convention.²

I have the honor to be sir, most respectfully your ob h ser,

Henry Lee Junr.

RC (Vi: Continental Congress Papers).

¹ See JCC, 22:271-72; and Edward Carrington to Randolph, April 2, note 3.

² See the preceding entry, note 9.

James Madison to Thomas Jefferson

Philada. May 15th. 1787. "Monday last was the day for the meeting of the Convention. The number as yet assembled is but small. Among the few is Genl. Washington who arrived on Sunday evening amidst the acclamations of the people, as well as more sober marks of the affection and veneration which continues to be felt for his character. The Governor, Messrs. Wythe & Blair, and Docr. McClurg are also here. Col. Mason is to be here in a day or two. There is a prospect of a pretty full meeting on the whole, though there is less punctuality in the onset than was to be wished. Of this the late bad weather has been the principal cause."

RC (DLC); reprinted from Madison, *Papers* (Rutland), 9:415.

Arthur St. Clair to Charles Thomson

Sir

New York May 18h. 1787

Having some pressing Business, in a distant part of Pennsylvania, that cannot well be done without my being personally present, I avail myself of the Situation of Congress at this time to attend to it. It will probably be five or six Weeks before I can return, but I am the easier on that account as there seems little probability that Congress will be fuller within either of these Periods. Should however a sufficient number of States for the dispatch of Business present themselves earlier, be so obliging as to make them acquainted with the necessity there was for my Absence, and my request that they will please to appoint a Chair-Man until I can get back, an Event that I will hasten as much as possible. The Adjournment from Day to Day until seven States appear you, of course, will attend to, and I find by the Journals that the presence of the President, merely for the purpose of adjourning has not been thought necessary but has often been done by the Secretary.¹

I have the honor to be with great Respect, Sir, Your most obedient Servant,
Ar. St. Clair

RC (DNA: PCC, item 59).

¹ Largely because of preparations for convening the constitutional convention in Philadelphia May 14, Congress had been unable to muster a quorum since May 11, and remained in this situation until July 4. Because of St. Clair's absence, William Grayson was elected chairman of Congress on the latter date, which duties he continued to perform until St. Clair's return July 17. See *JCC*, 32:288, 292–97, 346–47, 350–51.

St. Clair's assumptions here are a bit curious, as Thomson himself was absent on leave in Philadelphia at this time and did not return to New York until June 24. See Roger Alden to William Samuel Johnson, May 13, note 1.

William Pierce to George Turner

My dear Sir,¹

New York, May 19th, 1787.

Your [Letter o]f the 9th I received sever[al] days ago. This Morning I was presented with a view of your Letter to Webb, in which you inform him that eight States had met, but, do not say what States they are.

I wish much to be with you, but Schemmerhorn has not yet made his appearance; and untill he arrives with my credentials,² it will be in vain for me to go on. Pray are there any Members with you in my predicament?

The Convention is much talked of here, and various are the conjectures about the alterations that will probably take place in the fœderal Government. You are, I find, for having matters *highly toned*. I am for powers equal to a prompt and certain execution, but tempered with a proper respect for the liberties of the People. I am for securing their happiness, not by the will of a few, but by the direction of the Law.

Upon whatever principles a Government is founded, whether rights are equally distributed among the People at large, or among *a few*, some respect ought to be paid to the temper of the People, as produced by one or the other of these rights. To depart from the general freedom of our Governments, which act by given Laws, and [...] to step into a Monarchy, which will at times be despotic, would plunge the States into a tumult infinitely worse than anarchy itself: torrents of blood would follow the confusion.

I maintain that it would be even dangerous too suddenly to abolish the State inquisition of Venice. Mankind may be fashioned in some measure to any kind of Government, and when changes are necessary, they should be brought about gradually, keeping in view some of the original principles to which they have been accustomed. From this you may learn, that I am not for a total change of the Commonwealth.

Fortunate indeed would be that People who could live under a Government that would operate only by fixed and established Laws, and not be made liable to obey the will of a Body independent of the Government itself. It is a matter of doubt with me whether any expedient (by which I would be understood to mean anything that is extraneous) ought ever to be practised by a People desirous of living under a well regulated system of Laws. The creation of power not recognized by the constitution is ever dangerous to liberty. The exercise of the dictatorial power in Rome was inconsistent with their commonwealth; the creation of Prators, of Tribunes, of the Decemvirs &c. gave such an unsettled Spirit to the People, that they were never satisfied but when they were in pursuit of expedients to suit the various situations to which they were constantly shifting. Unless *we* can settle down into some permanent system very shortly, our condition will be as fickle and inconstant, as that of the Romans; and our political schemes be nothing more than chimeras and disorders.

Now sir the great point—shall we be three confederated Republic's or not? I leave you to examine the interrogatory.

Mrs. Pierce joins me in the most respectful compliments to Mrs. Turner.

I am dear Sir, Yours very affy,

Wm. Pierce

[P.S.] The Statesman & the Phylosopher have their attention turned towards us: the oppressed and wretched look to America.

RC (Ct: C. E. Jackson Collection).

¹ Turner, a South Carolinian who had served as deputy commissary of prisoners for the southern army with the brevet rank of major, was in Philadelphia at this time to attend the meeting of the Society of the Cincinnati which elected him assistant secretary-general. After adoption of the Northwest Ordinance, he sought the post of secretary of the territory but withdrew his candidacy in favor of his friend Winthrop Sargent, and was eventually appointed a territorial judge in 1789. See *JCC*, 28:71–72; these *Letters*, 15:576n.2; Madison, *Papers* (Rutland), 10:53n.2; and Washington, *Papers* (Abbot), Presidential Series (Twohig), 3:494–95, 4:4–5.

² That is, his credentials as a delegate to the constitutional convention, which he apparently received within a few days for he took his seat at the convention in Philadelphia on May 31. See Farrand, *Records of the Federal Convention*, 1:45, 3:576–77.

William Blount to Richard Caswell

Sir, Newyork May 20th 1787.

By the inclosed Papers your Excellency will be informed that some part of the debt due from Bryan Ward of Georgia to the State of North Carolina for the Goods by me sold him has been by him paid to Mr. George Ogg in Deerskins which have been shiped to this place and sold by my Order on account of the State by Mr. John Ramsay at three Months Credit.¹ You will also be informed that I have caused nearly the whole of the Mony or more truly the Note of Hand of the Purchasers at three Months arising from the Sales of the Skins to be laid out in good Hyson Tea and in what manner I have directed it to be disposed of.

My Wish was that Tea should be shiped to the amount of the Sales but as the Shippers would not break a Box they could not ship to the exact amount and upon Reflection that I had made this Shipment without Order from the State and being no Stranger to the Liberties *many People* would indulge themselves in if it should be lost, I have caused it to be insured which will nearly balance the account. Your Excellency will I make no doubt recollect that I had given Orders to Mr. Ogg to ship these Skins to Stewart and Barr at Philadelphia but last Winter while the Delaware was closed with Ice I thought it would be most beneficial to the State to order them to this place which I accordingly did. A Desire to render every Transaction of mine as beneficial as possible to the State has induced me to order the Mony arising from the Sales of the Skins to be laid out in the aforementioned Teas, a Motive that I hope will justafy the Act be the Loss or Gain what it may, tho' Loss there cannot be unless the Ship is lost and the Insurers fail. I have endeavoured to put the whole of this Transaction in so clear a point of Light that I hope the Tongue even of Malevolence itself will be compeled to confess that I have no other Interest in it than that of a Citizen in general. This Remark I should have thought unnecessary if my

Conduct as an Agent for the State to the Treaties with the Indians at Hopewell had been treated with the Candour it deserved. If this Transaction should meet the Approbation of your Excellency it will be particularly pleasing to Your most obedient Humble servant,

Wm Blount

FC (Nc-Ar: Blount Papers). In the hand of William Blount. *N.C. State Records*, 20:701-2.

¹ For these enclosures, a report of sales of deerskins and a letter from Blount to Henry Toomer concerning these and other sales, see *ibid.*, pp. 697-98, 702-3.

William Blount to John Gray Blount

Newyork May 22d. 1787

I have before informed you that I was confined to the House with the blind piles and so I am yet but they are much mended. The Complaint is hardly called sickness but it is undoubtedly the most painful teasing Complaint that I have ever experienced and I have had great Use for what I have none of when in pain namely Patience.

I am this day informed that Williamson, Spaight & Martin are at Philadelphia or I should have set out for that place on tomorrow or next day intolerable as traveling certainly would have proved to my Breech, at present it is uncertain when I shall go but certainly not till I am quite well unless my Colleagees should inform me of a greater Necessity for my coming than I at present conceive.¹ [Mr] Hazard will not accept Twiggs Bill on any Terms so that it will be protested and returned by post. Spaight has informed me that you have sent me by him 200 dollars for which I am much obliged to you. I fear I shall want another 100.

My Compliments to Polly. Your's &c,

Wm. Blount

[P.S.] I have no News from or of T.B. since I wrote you by Willie.

Colonel Burton has been here about a Week and will (I believe) set out for home in two days with an Intent to return here in 6 or 8 Weekes which Will be as soon as there will probably be a Congress—at present there are only four States. There will not be a Congress again before the Convention rises.²

RC (Nc-Ar: Blount Papers).

¹ In fact, Blount took his seat in Philadelphia on June 20. See Farrand, *Records of the Federal Convention*, 1:334.

² Congress actually convened a quorum several days in July and early August before resuming business in earnest September 20.

Robert Burton to Richard Caswell

Sir, New-York, 22d. May 1787.

On Tuesday the 15th Instant I arrived here Since which time there has not been a sufficient Number of States Represented to do business in Congress. At this time very few Members are here & it being very certain that there will not [*be*] a Meeting again until the Convention at Philadelphia rises I shall return immediately home & as soon as I am Notified that it is likely that Congress will sett I shall come on.¹ We have no news here more than the papers contain Which I inclose You.

I have the honor, to subscribe myself Your friend & very Humble
 Servant. Ro. Burton

Tr (Nc-Ar: Governors' Letterbooks).

¹ For Congress' inability to muster a quorum from May 11 to July 4, see *JCC*, 32:292-97.

Burton remained in New York until May 25 and set off for North Carolina via Philadelphia. From there he wrote the following brief letter to John Gray Blount on May 31.

"The bearer hereof Mr. Joseph Totten is a young man who is removing from New York to Settle in Granville, it is likely he may be put a Shore at Washington, if so, your Friendly directions to get to Tarrbrough & from there to my home will be Esteemed a favour done me. Col. Wm. Blount has been a little unwell with the piles but is getting better. The Convention sitting here are so very private that there is no telling what bussiness they are on, there is no Congress at this time, nor will not be untill the Convention rises. We have no news." Blount Papers, Nc-Ar.

Nathaniel Gorham to Caleb Davis

Dr Sir N York May 22d 1787

The adjustment of the demands of the several States against Union is a subject which has very often engaged the attention of Congress—but the more they have entered into that business the more they have been convinced that it is utterly impracticable for that body to agree upon rules for the admission of accounts that are not covered by existing resolutions of Congress. They are however convinced that by farr the greater part of those demands are founded in justice. In Order therefore to bring that business to a close they have agreed to the inclosed Ordinance¹ which in its opperation is to bring all the accounts into the view of three grand Commissioners who are to have a chancery & equitable power to admit all demands of States against the Union which they think in justice and equity ought to be allowed—and

they are to be sworn to the performance of their duty—in fact they are a kind of arbitrators between the States and are without any interference of Congress (other than the rule of apportionment or valuation) to report the ultimate state of the Ballances between the several States.

So farr as I have been able to examine this subject this appears to me to be the only plan on which Massachusetts can ever expect to obtain justice for those great exertions she has so frequently made for the benefit of the Union, especally as some of her principal demands are not sanctioned by Congressional resolves.

I have by this post written to Messrs. Deming & Bowyer² on the subject that they may have notice in season to be preparing their accounts.

I have been informed that they have the accounts of the late Treasurer to examine—if so it will be a great enterruption, & as this is a business of such consequence to the State; allmost every thing should give way to it. I wish you to call upon them & converse with them upon it—and if more Clerks are necessary do get the Legislature to allow them. It seems at present to be the disposition of Congress to appoint Men of note in the Union and of liberal sentiments—which I think affords encouragment that we shall have justic[e] done us.

Upon examining our Commission for the Convention we find that three are required as the number to represent the State—and no Gentleman having come forward but Mr King & myself. He is gone to Philadelphia & I continued here in order if possible to keep a Congress. I have been daily in hopes of seing Mr Dana or Mr Gerry or both. However as Congress cannot be kept up at present I shall set off[f] for Phia tomorrow or next day in hopes that some of the other Gentm will soon be after me. The business of the convention is of the last importance for if the meeting or its doings should prove abortive. The present phantom of a Government must soon expire—if those Gentm. have not set off[f] do speak to them & let them know that by the Commission three are necessary. I am extreamly desirous of attending the Legislature at least some part of the next Session. I have therefore to beg you to get a resolve empowering two to represent the State in the convention—& if any of the Gentm. in the present Commission cannot attend do get others appointed in their room.

I must beg your pardon for all this trouble & remain your Friend & Humble Servant,

Nathaniel Gorham

RC (MHi: Davis Papers).

¹ For this May 7 "Ordinance for settling the Accounts between the United States and Individual States," which repealed a similar ordinance of October 13, 1786, see *JCC*, 32:262–66. See also Rufus King to Elbridge Gerry, March 25, note 2.

² This letter to John Deming and Peter Boyer has not been found.

William Grayson to James Madison

Dear Sir

24th. May 1787.

I am much obliged by your kind favor and am sorry I have little to communicate from this quarter worth your acceptance; We have been a caput mortuum for some time past except the little flurry that was kicked up about Philada.¹ Carrington I presume has giv'n you full information on that point; during the contest, the Enemy wanted to raise a mutiny in our camp by proposing to go to Georgetown at a certain time. They were answered, they had served us so once before. Since the matter has blow'n over, some particular gentlemen have offered to join us in getting Georgetown fixed as the capital of the fœderal Empire: they say they will vote money for the buildings, & in every respect make the compact as irrevocable as the nature of the case will admit of provided we will agree to stay here a reasonable time untill every thing is made proper for their reception. I am not certain when all the Eastern States come forward, but some good may come out of this, provided we act with delicacy & caution. Most of the foreigners who come among us, say the sessions of Congress should be fixed by national compact; I think they are right in their reasoning with respect to all such governments as ours. The arguments are too obvious to be mentioned to you. We have a right to it at Georgetown: & ought in justice to get it.

Entre nous. I believe the Eastern people have taken ground they will not depart from respecting the Convention. *One legislature* composed of a lower-house biennially elected and an *Executive & Senate* for a good number of years. I shall see Gerry & Johnson, as they pass & may perhaps give you a hint.

Since your departure Maryld. has openly declared agt. the Mississippi. It is therefore of the utmost importance that So. Carolina should think right on the subject. Parker who comes in in Nov. next is firm—& Mr. Kean from his bad State of health will not in all probability attend.²

We have lately had a new farce wrote by Poet Tyler, called May day. It has plott & incident and is as good as several of the English farces; It has however not succeeded well, owing I believe to the Author's making his principal character a scold; Some of the New York ladies were alarmed for fear strangers should look upon Mrs. Surdus as the model of the gentlewomen of this place.³

Inclosed is a letter from France which was handed to me by a Mr. Walton who came over in the packett.⁴ All my family present their compliments. to yourself & the worthy family where you live: Alfred laments your absence in very pathetic though I believe very interested

strains. Please make my respectful compliments. to Genl. Washington, & conclude yr. Affect. frd. & Mo. Obed sert, Willm. Grayson

RC (DLC: Madison Papers).

¹ That is, the May 10 debate initiated by the motion of Delaware's Dyrce Kearny to adjourn Congress to meet in Philadelphia on June 11. Henry Lee of Virginia thereupon moved to set aside Kearny's motion in favor of a plan for the permanent establishment of Congress at Georgetown with Maryland and Virginia being allowed credits on the 1787 requisition and the arrearage due on past requisitions for any monies advanced toward the erection of government buildings at the site. Both motions lost and further attempts to set dates for adjourning and reconvening in Philadelphia also failed. See *JCC*, 32:279–80, 284–87. For an earlier motion to this effect, see Madison's Notes of Debates, April 10 and 11.

² John Kean of South Carolina resumed his seat on May 29 and served through October 27. John Parker replaced him in the delegation on November 5. See *JCC*, 32:294, 33:702, 714–15.

³ Royall Tyler's *May Day in Town; or, New York in an Uproar* had been performed at the John Street Theatre on May 19. The nature of this little-known work was revealed only with the discovery at the Harvard Library in 1974 of the pamphlet "Songs in the Comic Opera of Two Acts, Called, May Day in Town," for which see "Royall Tyler's Lyrics for *May Day in Town*," by Katherine Schall Jarvis, *Harvard Library Bulletin* 23 (April 1975): 186–98; and Ada Lou Carson and Herbert L. Carson, *Royall Tyler* (Boston: Twayne Publishers, 1979), pp. 44–45.

⁴ Apparently William Short's March 23 letter to Madison conveyed by Abraham Walton, for which see Madison, *Papers* (Rutland), 9:329–30.

Rufus King to Jeremiah Wadsworth

Dr. Sir

Philadelphia 24 May [17]87

New York, Delaware, Pennsylvania, Virginia, North & South Carolina, are represented by a Quorum or the whole of their Delegates.¹ New Jersey will probably be represented Tomorrow. Should this be the Case the Convention will be able to appoint their President & Secretary. General Washington will be placed in the Chair, & Temple Franklin or Majr. Jackson will be Secretary. Georgia & Maryland will be represented in three or four Days. I am mortified that I alone am from New England. The Backwardness may prove unfortunate. Pray hurry on your Delegates—some personal sacrifices perhaps may stand in the way of their immediate attendance. But they ought not to yield to such Considerations. Believe me it may prove most unfortunate if they do not attend within a few days. I will not add except to assure you that I am with sincere Regards, respectfully & truly Your's,

R King.

RC (CtHi: Wadsworth Papers).

¹ For the context of this letter, the convening of the constitutional convention at Philadelphia, see Farrand, *Records of the Federal Convention*, 1:1–5.

William Pierce to John Sullivan

My dear Sir

New York, May 24th. 1787.

I wrote you several Weeks ago,¹ and informed you the reason why I did not procure for you the Epaulets you wrote to me for. At that time there was not a good pair to be purchased, nor is there a pair yet to be had here that will suit you. Colo. Fish and myself have enquired through the City, but none that are elegant can be found.

In a day or two I shall set off for Philadelphia,² at which place it is probable I shall be able to accomodate you. Nothing will give me more pleasure than to serve you at any Time.

The military spirit prevails here so much that all the fashionable gold Epaulets are purchased up to adorn the Shoulders of our *young Bucks*.

I will thank you sir to have my Certificate dated at Pumpton Plains in New Jersey, Decr. 1st, 1779. It shall be preserved, to be handed down from one generation to another.

When I get to Philadelphia I will write you more fully. The Convention, I suppose, will proceed to business sometime next Week. Virginia, Pennsylvania, New Jersey, Maryland, New York, Delaware, Georgia, South Carolina, North Carolina, and [Massach]usetts, will be on the floor, Monday next. Connecticut and New Hampshire will it is hoped, be on in a few Days. As for Rhode Island we shall pay no attention to her whether she sends on Deputies or not.

Please to make my respectful compliments to your Lady and Family, in which Mrs. Pierce joins, altho' a perfect stranger.

I am my dear sir, with great esteem and affection, your mo. obt servant.
Wm. Pierce

RC (NhHi: Coe Collection). Addressed: "His Excely. Jno. Sullivan Esqr."

¹ Not found.

² See Pierce to George Turner, May 19, note 2.

Rufus King to Nathan Dane

Dr. Sir

Philadelphia 27. May [17]87

New York, New Jersey, Pennsylvania, Delaware, Virginia, North & South Carolina were represented on Friday; and the convention proceeded to appoint Genl. Washington their President and Major Jackson their Secretary. We are adjourned until Tomorrow, and flatter ourselves that Massachusetts, Connecticut & Georgia will be then represented. Maryland has one Delegate present, but it is uncertain when his Colleagues will arrive. Nothing has transpired in the present un-

opened condition of the business of this meeting, which furnishes reasonable Grounds even to conjecture the Result of their Deliberations. I observe with great Pleasure that Mr. Parsons is appointed a Representative at Newburyport, and I am of opinion that it will be fortunate that Greenleaf was left out of the Senate provided he takes his Seat in the House.

As I am extremely anxious concerning the situation of Mass. I pray you to give me from Time to time such information as you may obtain, as well relating to the Disaffection in the western Counties, as of the proceedings of the Genl. Court. In return if any thing of consequence shall turn up in this Quarter, I shall with great pleasure give you information thereof.

Farewel,

R King

RC (CtY: Wetmore Family Collection). Addressed: "The Hon. Mr. Nathan Dane, in Congress, New York."

Rufus King to Henry Knox

Dr. Genl.

Philadelphia 27 May [17]87

Seven states assembled on the 25th and appointed Genl. Washington President & Majr. Jackson Secretary of the Convention. If Connecticut, Georgia & Massachusetts are represented Tomorrow, we shall have Ten States. I hope this will be the case but the event is uncertain. No proposition has been agitated except in private Conversation, and excepting the mere organization of the convention we are as when you left us.

Farewel, R King

RC (MHi: Knox Papers).

James Madison to James Madison, Sr.

Philada. May 27th. 1787. "We have been here for some time suffering a daily disappointment from the failure of the deputies to assemble for the Convention. Seven States were not made up till the day before yesterday. Our intelligence from N. York promises an addition of three more by tomorrow. General Washington was unanimously called to the Chair & has accepted it. It is impossible as yet to form a judgment of the result of this experiment. Every reflecting man becomes daily more alarmed at our situation. The unwise and wicked proceedings of the Governments of

some States, and the unruly temper of the people of others, must if persevered in soon produce some new scenes among us."

MS (DLC); reprinted from Madison, *Papers* (Rutland), 10:10.

James Madison to Edmund Pendleton

Philada. May 27. 1787. "I have put off from day to day writing to my friends from this place in hopes of being able to say something of the Convention. Contrary to every previous calculation the bare quorum of seven States was not made up till the day before yesterday. The States composing it are N York, N. Jersey, Pena., Delaware, Virga., N. Carolina & S. Carolina. Individual members are here from Massts., Maryland & Georgia; and our intelligence promises a compleat addition of the first and last, as also of Connecticut by tomorrow. General Washington was called to the chair by a unanimous voice, and has accepted it. The Secretary is a Major Jackson. This is all that has yet been done except the appointment of a Committee for preparing the rules by which the Convention is to be governed in their proceedings. A few days will now furnish some data for calculating the probable result of the meeting. In general the members seem to accord in viewing our situation as peculiarly critical and in being averse to temporising expedients. I wish they may as readily agree when particulars are brought forward. Congress are reduced to five or six States, and are not likely to do any thing during the term of the Convention. A packet has lately arrived from France but brings no news."

RC (DLC); reprinted from Madison, *Papers* (Rutland), 10:11-12.

William Blount to Richard Caswell

Sir,

New-York May 28th. 1787.

Soon after the arrival of Mr. Spaight at Philadelphia he informed me [by] letter that he had brought with him a Commission for me to attend the Convention in the place and Stead of Your Excellency. I had been for some time before and at this time am too indisposed to undertake a Journey so far as Philadelphia tho' at present I am much on the Recovery and shall leave this in a few days to Attend the duties of that Appointment.

On the 24th Instant only six States had appeared among which North Carolina included and had four Members present.¹ On the

25th there were Seven and [*since*] that period the Delegates from Massachusetts & Connecticut have passed through this City, North Carolina being so strongly represented and no Convention being formed untill this day (if today) my Absence as Yet have been certainly of no moment indeed I have not the Vanity to suppose my presence & assistance will be of much Avail in so arduous a Business as the amending the Confederation. For some days past not more than five States have appeared on the Floor of Congress Chamber & it is Generally believed that there will not appear a Sufficient Number to form a Congress until the Convention rises. Colo. Burton Arrived here on about the 14th Instant and left us about the 25th to return to his Own house. He wrote You by post the day he set out.²

I have the honor to be, Your Excellency's Most Obedt. Huml. servt.
Wm. Blount.

Tr (Nc-Ar: Governors' Letterbooks).

¹ See JCC, 32:293-94.

² Not found.

William Grayson to James Monroe

Dear Sir,

N York May 29th. 1787.

Your favor has duly come to hand and for which I am much obliged. Since my last¹ I have very little to acquaint you with in the way of news. The draught made from Congress of members for the Convention has made them very thin & no business of course is going on here. I do not believe that this will be the case untill that body shall be dissolved, which I hardly think will be the case these three Months. What will be the result of their meeting I cannot with any certainty determine, but I hardly think much good can come of it. The people of America don't appear to me to be ripe for any great innovations & it seems they are ultimately to ratify or reject. The weight of Genl. Washington as you justly observe is very great in America, but I hardly think it is sufficient to induce the people to pay money or part with power.

The delegates from the Eastwd. are for a very strong government, & wish to prostrate all the State legislatures, & form a general system out of the whole; but I don't learn that the people are with them, on the contrary in Massachuzets they think that government too strong, & are about rebelling again, for the purpose of making it more democratical. In Connecticut they have rejected the requisition for the present year decidedly, & no Man there would be elected to the office of a constable if he was to declare that he meant to pay a copper towards the domestic debt. R. Island has refused to send members. The cry

there is for a good government after they have paid their debts in depreciated paper: first demolish the Philistines (i.e. their Creditors) & then for *propriety*.

N Hamshire has not paid a shilling, since peace, & does not ever mean to pay one to all eternity: if it was Attempted to tax the people for the domestic debt 500 Shays would arise in a fortnight. In N. York they pay well because they can do it by plundering N Jersey & Connecticut. Jersey will go great lengths, from motives of revenge and Interest. Pensylvania will join provided you let the sessions of the Executive of America be fixed in Philada. & give her other advantages in trade to compensate for the loss of State power.

I shall make no observations on the southern States, but I think they will be (perhaps from different motives) as little disposed to part with efficient power as any in the Union.

I have lately been at the Sycamore. They are all perfectly well at present, though the Captain had a severe attack last week; he was seized with a fit suddenly & alarmed the family extremely. Mrs. Heiliger is really a fine woman, and I think after she gets over the death of her husband a little more will be of great service to the family; She I hope will have influence enough to drag Esther into the World, which at the same time will be of no small service to Maria her sister. They have been completely buried since your departure.

I understand a vacancy is expected in the Court of Chancery & perhaps in the Genl. Court. You know best. I wish you to speak to Mr. Jones on the subject and any other of your friends on my behalf, as from yourself if you approve my being appointed witht. mentioning my having said a word to you on the matter. I would prefer being in the Chancery by a great deal of odds.

My best respects to my worthy friend Mrs. Monro, I hope you are well, & I heartily wish you may thrive in the pursuit of the law; when I come into the State I think I can help you among[s]t my old clients.

I remain yr. Affect. frd. & Most Obed serv, Willm. Grayson.

NB. I got your last letter open: it was sealed with a bad Wafer.

RC (DLC: Monroe Papers).

¹ That is, his letter of April 30.

William Blount to John Gray Blount

Newyork May 30th 1787

I have before informed that an Indisposition had detained me here, I am I beleive over the pain of it unless I bring it on by too much Exer-

cise say by traveling. On the 25th seven States assembled in Convention and Chose a President and Secretary, and by this Time I think there are eleven States represented only New-Hampshire and Rhode Island being unrepresented. I cannot suppose any thing definitive will be done in Convention in less than a Month, and most people suppose not in less than two or three Months and I shall certainly be in Philadelphia in less than a Week. For some Weeks past there have not been more than five States on the Floor of Congress and seven are not expected before the Convention rises. Hawkins will leave this in about a Fortnight for No Carolina. A Vessel arrived today from London & there have lately been several others but no Letters from T. Blount.

RC (Nc-Ar: Blount Papers). In William Blount's hand, though not signed.

William Samuel Johnson to Samuel William Johnson

My Dear Son

New York 30th. May 1787.

I have only a Moments time to Acknowledge the rec't of yr. favour of the 6th Instt. & to bless God for yr. health & prosperity. I arrived here last Evening from Stratford where thank God I left the Family all well, including Betsy & her Son who are there upon a Visit. I go on tomorrow morning to Philadelphia where Delegates are Assembling from all the States in the Union,¹ except Rhode Island, in a special Convention for the purpose of reforming & strengthening our federal Government. An arduous Work! Genl. Washington Presides, & my Colleagues from Connecticut are Mr. Shearman & Mr. Elsworth. It is an affair of high & agitated Expectation throughout the Continent, but what will be the Issue of it no Man can yet foresee. I am so press'd in point of time that I must leave everything else to Majr. Alden who says he will write you particularly, & recommending you to the blessing & protection of Almighty God, I remain with the tenderst Love, & Compliments to all Friends, Yr. most affectionate Father & Friend,

Wm. Saml. Johnson

RC (CtY: Stokes Autograph Collection). Addressed: "Samuel Wm. Johnson Esqr., Bermuda."

¹ Johnson had last attended Congress May 3d and returned home the 4th. His diary indicates that he "Set out in Stage for Hartford, [and] Attended Genl. Assembly," May 17-23, and "Set out again in Stage" for New York the 28th. "29th. Pleasant. Arrived early at N York. . . . 30th. Very Rainy. Visitd. Duane, Temple, &c. At Cong[re]s[s. . . .] 31st. Did Business & rec'd many Visits till 2 O'Clock, came over the Ferry, dangerously high to Powles Hook in Co[mpany] with John Murry &c & came in the Stage to Elizth. Town, call'd on Mr. Boudinot. . . . June 1st. Rain & Fair, came to Philadelphia at 9 O'Clock, & Lodged at Dickenson's." Johnson Papers, CtHi.

Charles Pinckney to Charles Thomson

Dear Sir

Philadelphia May 30 1787

The territorial controversy between the states of Georgia & South Carolina being amicably compromised, I am to request you will be so obliging as to inform the gentlemen who are nominated as judges that it will be unnecessary for them to attend at the time appointed.¹

I am with respect Your Most obedient, Charles Pinckney.

One of the Agents for South Carolina

RC (DNA: PCC, item 78).

¹ For the origin and progress of the Georgia-South Carolina boundary dispute, see these *Letters*, 22:426–27; and Thomson to the Judges for the Georgia-South Carolina Boundary Dispute, September 15, 1786. The convention concluded between the two states on April 28, 1787, was entered on the journals August 10. See *JCC*, 33:467–74.

Roger Alden to George Washington

Sir

Office of Secy of Congress. May 31st. 1787.

I have the honor to enclose to Your Excellency the news papers of this day, published in the city of New York—And I am directed by the Members of Congress present to transmit them daily.¹

With the greatest respect, I have the honor to be, Your Excellency's Most Obedt. & most Humble servt.

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ There is no mention of this matter in the journals as Congress had been unable to muster a quorum since May 11. The enclosed newspapers were undoubtedly directed to Washington in his capacity as the presiding officer of the constitutional convention at Philadelphia. For another mark of special favor extended to the convention delegates, many of whom were also congressional delegates, "the privilege of sending and receiving letters and packets free of postage," see Charles Thomson to the States, April 25, note 3.

Nathan Dane to James Bowdoin

Sir,

New York May 31th 1787

Your Excellency's letter of the 16th inst. was received by the Delegates of Massachusetts, and the papers inclosed for Governor Clinton were delivered to him.¹

I do myself the honor to transmit to your Excellency, the Resolve of Congress, relative to their Special requisition of the 21st of Octr. last,² and for allowing the respective States credit on the Specie requisition

of 1784, 1785 or 1786, for such monies as they may have advanced on account of the federal troops, &c.

The absence of the Secretary of Congress, for several weeks past, I presume, has been the occasion of this resolution's not being officially transmitted in the Common Course of doing business in his office.

I yesterday saw Mr. Hutchins one of the Commissioners appointed to run the Jurisdiction line, between Massachusetts and New York, on the subject of the appointment,³ he informed me, that the Commissioners will be ready to attend that business by the middle of June next—and one of the Delegates of New York informed me, that the agents appointed by that State will be ready to attend the Commissioners at that time.

I beg leave to inform Your Excellency that Mr. Gorham and Mr. King, are attending the federal Convention now setting at Philadelphia; and that there has not been a representation of Massachusetts in Congress since the 23d inst. It is generally thought, probable, that the Convention will continue setting for some months—and it seems to be uncertain whether either of those gentlemen can attend Congress while the Convention shall be setting.

As not less than two Delegates can represent the State in Congress, and my being here alone can be therefore of no service, I take the liberty of suggesting to Your Excellency, that I shall conceive it proper for me, and my duty, in a few days from this, to return to Massachusetts and be at home, 'till some one of the deleg[ates] of the State can join with me in making a representation of it in Congress, unless I shall hear that Dr. Holten has rec[overed] his health, and will probably come on soon to New York.

Several of the members of Congress are attending t[he] Convention, and only five States, at present, are represented in Congress, and it appears highly probable that Congress w[ill] not be in a situation to do much business 'till its members shall return from the Convention.

With the Greatest esteem and respect, I am Your Excellencys Most Obedt. hum. Servant,

Nathan Dane

RC (M-Ar: Revolutionary War Letters). Addressed: "His Excellency the Governor of Massachusetts." John Hancock had been inaugurated governor May 30, but Dane was responding to a letter from Governor Bowdoin to the Massachusetts delegates of May 16, for which see the following note.

¹ Bowdoin's letter to Dane, Nathaniel Gorham, and Rufus King concerning the Massachusetts "rebels" who had fled into neighboring states "endeavouring to collect a force to disturb again the peace and quiet of this State," is in the *Bowdoin and Temple Papers* (MHS Colls.), pp. 186-87.

² See JCC, 31:894-95.

³ See Massachusetts and New York Delegates to John Ewing and David Rittenhouse, April 23, 1787.

Nathan Dane to Rufus King

Dear Sir

New York May 31th. 1787.

I had the pleasure of receiving your's of the 27th inst. two days since. I shall be happy in conveying to you any information I may obtain deserving your attention—since Mr. Gorham went from this place, I have heard nothing of any considerable importance. I yesterday received a letter from our friend Tho. Dwight who sends his respects to you—he seems to have many apprehensions yet respecting the mischief the rebels may do, and fears as to the measures the General Court may adopt. He mentions that Gen. Lincoln passed thr'o Springfield the 26th inst, on his way from Berkshire to Boston; and that he informed Mr. Dwight that the rebels in Vermont had lately taken up a Doctr. Pomroy of Warwick in the County of Hampshire, and another person,¹ whom they detain as prisoners, and are determined to execute them if executions take place on the part of Government, &c. There are only five States represented in Congress. I hear that Clark is chosen a Member of the Convention—if so I think we cannot expect N. Jersey, at present, to attend Congress very Steadily. I have heard nothing from Dr. Holten. I have therefore suggested to the Governor that I shall conceive it proper for me, in a few days, to return to Massa, &c. unless I hear of Dr. Holten's recovering his Health; and that he will probably soon attend Congress. I need not mention to you how disagreeable this apathetic mode of doing business in Congress is—it seems to me to make the government appear more feeble than it even is, and to have a pernicious effect on the public mind and feelings.

If I return soon to Massa. I will inform you, and make any arrangements you make [may] think proper about keeping up the Delegation. If I go I shall not probably be in Boston till after the Delegates may be appointed, &c.

Give my respects to Mr. Gorham, Gerry & Strong—and remember me to Mrs. King & present her with my best respects.

With sincere esteem & respect, Your friend & hum sert,

N. Dane

P.S. If you should find a leisure hour I [w]ill thank you to let me know how the Convention begin with the ground works, &c.

RC (NH: King Papers).

¹ For the Shaysites' capture of Medad Pomeroy and Capt. Joseph Metcalf as hostages on May 21, see Marion L. Starkey, *A Little Rebellion* (New York: Alfred A. Knopf, 1955), pp. 214–15.

Roger Alden to James Duane

Sir

Office of Secy of Congress. June 1st. 1787

Agreeably to directions from the Secy. of Congress,¹ I have the honor to transmit a copy of the Inscription for the monument to be erected to the Memory of Majr Genl Montgomery.²

With the greatest respect, I have the honor to be, Your most Obedt
Humble servt.

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ Who was at this time in Philadelphia, for which see the following entry.

² For the background of this issue and the inscription enclosed, see Charles Thomson to Robert R. Livingston, April 26, 1787; and *JCC*, 32:270.

Alden also sent a copy of the inscription to the Governor of New York, George Clinton, with a brief cover letter dated June 10. PCC, item 49, fol. 137.

Charles Thomson to Alexander Contee Hanson

Sir,

Philadelphia June 1, 1787

Having had leave of Absence from Congress to attend to some private affairs, I did not until last evening receive the letter you did me the honor to write on the 20 of May.¹ Immediately on the receipt of it I called on the delegates from Georgia and South Carolina, who are in this city attending the Convention, for information touching the state of the dispute between those states. This Morning I received the letter a copy of which is enclosed, by which you will perceive that the Controversy is amicably compromised and consequently that the attendance of the judges is become unnecessary.² I hope this will reach you in time to prevent your setting out on the journey.³

With great respect, I have the honor to be, Sir, Your Most Obedient
& Most humble Servt.,

Cha Thomson⁴

FC (DNA: PCC, item 49). In the hand of Charles Thomson.

¹ Hanson's letter is in PCC, item 49, fols. 343–44.

² See Charles Pinckney to Thomson, May 30. For the bi-state agreement concluded April 28, 1787, by Georgia and South Carolina over their common boundary, which was entered on the journals of Congress August 9, see *JCC*, 33:467–74.

³ See Thomson to Hanson, December 10, 1787.

⁴ Thomson this day also wrote a similar letter of notification to the other judges who had been appointed to settle this controversy—Egbert Benson, John Dickinson, Philemon Dickinson, James Duane, Robert Goldsborough, Thomas McKean, James Madison, and William Pynchon—for whom see Thomson to the Judges for the Georgia-South Carolina Boundary Dispute, September 15, 1786; and PCC, item 49, fol. 355.

Charles Pinckney to John Jay

Sir

Philadelphia 2d June 1787

I have just received the inclosed Letter from a Citizen of Charleston.¹ The resolution he quotes states that this matter was referred to you while at the Court of Madrid. Being totally uninformed upon the subject, I shall be much obliged to you for such information respecting the claim as your recollection may enable you to afford me, in order that I may transmit it to Mr. Torrans.

I remain Sir &c.

(signed) Charles Pinckney

Tr (DNA: PCC, item 120).

¹ The enclosed May 5 letter from Charleston merchant William H. Torrans concerned the unresolved case of the British cutter, *Dover*, which had been seized in 1780 by John Mangnall and other American sailors on board who then attempted to reach the United States and claim the ship as a prize under the congressional resolution of October 14, 1777. Putting into Santa Cruz de Tenerife for supplies, however, the captors were detained by the governor who seized the ship and pressed it into Spanish service. In September 1780 Congress instructed Jay, then serving as minister to Madrid, to seek redress for the captors, but he was unsuccessful. In his June 15 reply to this letter, secretary Jay explained that he had recently raised the matter in several letters to chargé William Carmichael in Madrid, but had received no answer. He had since learned from another source, however, that the Spanish minister had "paid some money for the Captors" and that Carmichael had "given Directions for its Distribution." This information proved erroneous and the case remained unresolved in the 1790's in large part through Carmichael's negligence. See PCC, item 78, 18:643-46; item 120, 3:221-24; these *Letters*, 16:145-46, 17:294; and Jefferson, *Papers* (Boyd), 20:205-9.

William Blount to John Gray Blount

[New York] June 3d. 1787

A few days past arrived at this place a Capt. Horton in a small Sloop from Washington which he says he has sold to you for 300 Pieces of Tar [*sic*] Timber—He has delivered me 2 Barrells of Tar, 2 ditto pitch, 2 ditto Turpentine which he says you put on board the Sloop with out any Letter or paper addressed either to myself or any body else respecting them. These six Barrells were by you I suppose intended as a Sample to the Marine of France on which a Contract for an annual supply should be founded and I have caused them to be stored with Mr. John Ramsay.

You will recollect that I before informed you that I had requested the Governor to furnish the Delegation with authenticated Certificates of the Exports of the Produce of North Carolina for the years 85 & 86.¹

In reply to this request the Governor informed me that it should be done but as yet no such Certificates have made their appearance here. And Mr. DeLaforest says this Certificate is indispensable to the insuring [successfully] to the Contract for how[ever] desirous he may be to serve individuals he must speak on the Subject in a National Sense and this he can't do unless he has authentic Documents to show the Court the very large Exports made by North Carolina of Naval Stores and the advantage it would be to France to take it by Contract *directly* from the State in which it is made and adds that the Marine of France would be more apt to give a Contract to No. Carolina or her Citizens than to any other State because France never has yet done anything for No. Carolina.

Mr. DeLaforest appears much disposed to serve us and I am sure will do every thing in his power to place such a Contract in so advantageous a View to his Nation as to insure it if in his power—For this we are chiefly indebted to Hawkins. Mr. Otto the Charge des Affairs of France spoke to me about this proposed Contract about two days past and said he hoped to see it take place—For my part I feel not any doubt from my certain Knowledge that the French mean and wish to push a Trade with America but [a] Contract may be made for the annual delivery of a few thousand Barrells for as many as three Years at Brest at a good price. When the Samples go to France which is needless untill they are accompani'd by the aforementioned Certificate it is Necessary that the Terms of Proposals should at the same Time be sent to the Marine of France in which must be clearly expressed the Time and place of Delivery, the price, when & how paid and that No duties shall be paid in France neither on the Naval Stores nor the Vessels on which they are freighted and the Bottoms in which they shall be shiped say French or American—there must also be sent one of the Certificates of the Governor showing who J. G. & T. B.² are—the one I had I have sent to T. B. by Mr. Smith. I shall again write to the Governor respecting the Certificate of Exports.

I am quite recovered of my Indisposition. Twinings Bill has received a legal protest by a Notary Public and will soon be forwarded to you by post the cost of Protest have been 18/.

Your's Wm. Blount

[P.S.] Horton left this today for Petersburg full freighted and with him went passengers Col. Ashe & Robt. Fenner.

RC (Nc-Ar: Blount Papers). Missing portions of letter reprinted from Blount, *Papers* (Keith), pp. 304–5.

¹ See Blount to Richard Caswell, December 30, 1786; and Blount to John Gray Blount, March 1, 1787.

² That is, John Gray Blount and Thomas Blount.

Nathaniel Gorham to Nathan Dane

Dr Sir

Philadelphia June 3 1787

We have now eleaven States—and have been every day last week in a Committe of the whole—in which to sound the sentiments of each other several propositions relative to a general Government have been submited. The business was opened by Govr Randolph of Virginia in an able manner—& I think there is a prospect that the Convention will agree in a pretty good plan. It is not easy to meet with any Boston News papers here. I will therefore thank you to inclose to me those that you get after you have read them.

I remain your Friend & very Humble Servt,

Nathaniel Gor[ham]

[P.S.] I do not know that I am at liberty to mention in any manner what the Convention has done—but to you in confidence I can say that they have agreed, I believe unanimously, that there ought to be a National Legislative, Executive & Judiciary.

RC (DLC: Miscellaneous Manuscripts).

Rufus King to Henry Knox

Dr. Genl.

Philadelphia 3 June [17]87

Mr. Jennifer has arrived from Maryland. Mr. Danl. Carrol, and Mr. Mercer, who was formerly in Congress from Virginia, are in the Maryland Deputation and are expected in a few days. Eleven states are represented, but we proceed slowly. I am unable to form any precise Opinion of the Result. Nothing however very important has turned up and issued unfavorably. Mrs. King & myself shall expect you & Mrs. Knox in about Six or Eight Days. The weather has been, and continues, very cold for the season, we have now a Fire in our Chamber and find it extremely pleasant.

Farewel,

R King

RC (MHi: Knox Papers).

Benjamin Hawkins to John Gray Blount

Dear Sir,

New-York the 5th June 1787.

I had the pleasure to receive one of your favors enclosing a draught on the post-master for fifty dollars: And according to your request en-

deavoured to procure payment, but without the least probability of success. On advising with Colonel Blount, I had the bill protested, which protest I now send you and will return the bill, by some future post. I have paid eighteen shillings, being the fees on the protest.

I shall leave this early next week for Philadelphia, and thence for North Carolina after a few days stay there.¹ Colo. Burton has returned and Colo. Ashe, both promising to be here to attend Congress in due time.

Colo. Blount has taken out of a vessel from your port six barrels of naval stores, supposed to be yours and destined as a sample to the Marine ministry of France. As I early advised this, and have been constant in my endeavours to encrease the Commerce of our Country by all the means in my power, I wish that your new method of doing business without pen, ink or paper had not been adopted, till after this shipment had been made. A single descriptive line would have been better far than any thing we can state.

We shall not have a Congress I believe for two months: or until the rise of the convention. There are Eleven states convened in Convention. The deputies from N. Hampshire are said to be detained for want of some pecuniary aid. Rhode-Island refuses to appoint any.

I have the honour to be, with sincere esteem, Dear Sir, Your most obt. serv,

Benjamin Hawkins

RC (Nc-Ar: Blount Papers).

¹ Despite this assertion, Hawkins remained in New York attending Congress until June 18 and was back in attendance July 4 to help keep North Carolina represented. See JCC, 32:296-303.

Nathan Dane to Nathaniel Gorham

Sir,

New York June 6th. 1787.

I had the pleasure, yesterday, of receiving yours the 3d^d inst. I am very glad the Convention come fully into the determination of dividing the powers of Government, and of lodging them in distinct and independant hands as Nature seems always to have intended, &c. but in what hands to lodge the Legislative and executive powers so as to collect in the federal Government the greatest Strength and Stability, and general Confidence, is a work, I think, the Convention will find of vast consideration.

I inclose you, Sir, two Boston papers by which You will see how the General Court appeared for the first—in the house 216 members, 156 of them marked with the sign of new Comers. You perhaps may know many of the characters. I find it difficult to recollect hardly any proportion of them—there will in a few days probably be 250 or 260

members in the House—and I believe no man can till [tell] what direction they may take.

We have in Congress only four States and two halves. Dr. Holten I see is in the Legislature—but I hear nothing from him respecting his coming on to N. York.¹ I have nothing particular to communicate—nothing of any consequence from the Eastward.

With Great esteem & respect, I am Your friend & Hum. Servant,
N. Dane²

RC (MWalB: Special Collections).

¹ See Dane to Samuel Holten, June 7.

² Dane also wrote a letter on June 2 to "Jos. Mosely [Moseley] Esqr. at Hartford," concerning the details of a suit Moseley had commenced "In Connecticut against Ebenezer Geary Junior," and requesting his opinion on the effect New York's Absconding Act "would, probably, have on your action, or proceedings in Connecticut." Dane Papers, MHi.

James Madison to Thomas Jefferson

Philada. June 6th. 1787. "The day fixed for the meeting of the Convention was the 14th ult. On the 25th and not before seven States were assembled. General Washington was placed unâ voce in the chair. The Secretaryship was given to Major Jackson. The members present are from Massachusetts Mr. Gerry, Mr. Gorum, Mr. King, Mr. Strong. From Connecticut Mr. Sharman, Doctr. S. Johnson, Mr. Elseworth. From N. York Judge Yates, Mr. Lansing, Col. Hamilton. N. Jersey, Governour Livingston, Judge Brearly, Mr. Patterson, Attorney Genl. [Mr. Houston & Mr. Clarke are absent members.]¹ From Pennsylvania Doctr. Franklyn, Mr. Morris, Mr. Wilson, Mr. Fitzimmons, Mr. G. Clymer, Genl. Mifflin, Mr. Gouverneur Morris, Mr. Ingersoll. From Delaware Mr. Jno. Dickenson, Mr. Reed, Mr. Bedford, Mr. Broom, Mr. Bassett. From Maryland Majr. Jenifer only. Mr. McHenry, Mr. Danl. Carrol, Mr. Jno. Mercer, Mr. Luther Martin are absent members. The three last have supplied the resignations of Mr. Stone, Mr. Carrol of Carolton, and Mr. T. Johnson as I have understood the case. From Virginia Genl. Washington, Governor Randolph, Mr. Blair, Col. Mason, Doctr. McClurg, J. Madison. Mr. Wythe left us yesterday, being called home by the serious declension of his lady's health.² From N. Carolina, Col. Martin late Governor, Doctr. Williamson, Mr. Spaight, Col. Davy. Col. Blount is another member but is detained by indisposition at N. York. From S. Carolina Mr. John Rutledge, General Pinkney, Mr. Charles Pinkney, Majr. Pierce Butler. Mr. Laurens is in the Commission from that State, but will be kept away by the want of health. From Georgia Col. Few, Majr. Pierce, formerly of Williamsbg. & aid to Genl.

Greene, Mr. Houston. Mr. Baldwin will be added to them in a few days. Walton and Pendleton are also in the deputation. N. Hampshire has appointed Deputies but they are not expected; the State treasury being empty it is said, and a substitution of private resources being inconvenient or impracticable. I mention this circumstance to take off the appearance of backwardness, which that State is not in the least chargeable with, if we are rightly informed of her disposition. Rhode Island has not yet acceded to the measure. As their Legislature meet very frequently, and can at any time be got together in a week, it is possible that caprice if no other motive may yet produce a unanimity of the States in this experiment.

"In furnishing you with this list of names, I have exhausted all the means which I can make use of for gratifying your curiosity. It was thought expedient in order to secure unbiassed discussion within doors, and to prevent misconceptions & misconstructions without, to establish some rules of caution which will for no short time restrain even a confidential communication of our proceedings. The names of the members will satisfy you that the States have been serious in this business. The attendance of Genl. Washington is a proof of the light in which he regards it. The whole Community is big with expectation. And there can be no doubt but that the result will in some way or other have a powerful effect on our destiny.

"Mr. Adams' Book³ which has been in your hands of course, has excited a good deal of attention. An edition has come out here and another is in the press at N. York. It will probably be much read, particularly in the Eastern States, and contribute with other circumstances to revive the predilections of this Country for the British Constitution. Men of learning find nothing new in it. Men of taste many things to criticize. And men without either not a few things, which they will not understand. It will nevertheless be read, and praised, and become a powerful engine in forming the public opinion. The name & character of the Author, with the critical situation of our affairs, naturally account for such an effect. The book also has merit, and I wish many of the remarks in it, which are unfriendly to republicanism, may not receive fresh weight from the operations of our Governments.

"I learn from Virga. that the appetite for paper money grows stronger every day. Mr. H—n—y⁴ is an avowed patron of the scheme, and will not fail I think to carry it through unless the County [Prince Edward]⁵ which he is to represent shall bind him hand and foot by instructions. I am told that this is in contemplation. He is also said to be unfriendly to an acceleration of Justice.⁶ There is good reason to believe {too that he is hostile}⁷ to {the object of the convention} and that {he wishes either a partition or total dissolution of the confederacy}."

¹ Brackets inserted by Madison.

² Mrs. Elizabeth Wythe died August 18; George Wythe did not return to Philadelphia. See *ibid.*, p. 30n.2, 215.

³ That is, the first volume of John Adams' *A Defence of the Constitutions of Government of the United States of America*, 2 vols. (London: C. Dilly, 1787), in which he defended the state constitutions against Monsieur Turgot's charge (in a recently published letter to Richard Price) that they were blatant imitations of the British constitution. A third volume was published in London the following year. For the Philadelphia and New York imprints of the first volume that were published in 1787, see Evans, *Am. Bibliography*, nos. 20,176–77.

⁴ Patrick Henry.

⁵ Interlined and bracketed by Madison.

⁶ That is, reform of the court system, for which see Madison, *Papers* (Rutland), 10:31n.5.

⁷ Words printed in braces in this text were written by Madison in cipher. In this passage Madison later interlined the words "he is" for which he had not provided a cipher.

James Madison to William Short

Philada. June 6th. 1787. "The Convention has been formed about 12 days. It contains in several instances the most respectable characters in the U.S. and in general may be said to be the best contribution of talents the States could make for the occasion. What the result of the experiment may be is among the arcana of futurity. Our affairs are considered on all hands as at a most serious crisis. No hope is entertained from the existing Confederacy. And the eyes and hopes of all are turned towards this new Assembly. The result therefore whatever it may be must have a material influence on our destiny, and on that of the cause of republican liberty. The personal characters of the members promise much. The spirit which they bring with them seems in general equally promising. But the labor is great indeed; whether we consider the real or imaginary difficulties, within doors or without doors."

RC (DLC: Short Papers). Madison, *Papers* (Rutland), 10:31–32.

Roger Alden to the Board of Treasury

Gentlemen

Office of Secy of Congress. June 7th. 1787.

I am honored with Your Letter of the 2d Inst.¹ requesting a copy of an account of supplies furnished by the United States to John Holker Esqr. transmitted to Congress in a report of the board of treasury, on the subject of Mr Holkers Account June 29th 1781. I have examined the books of entry and references, and the files in this Office, and

cannot find any mention of, or report from the board of treasury on that subject of a later date than April 5th 1780.

The business was before Congress in July 1781—the Accounts of Mr Holker were referred to a Committee consisting of Mr Smith, Mr Clymer and Mr Osgood, and that Committee was discharged Octr. 18th following.²

If the report and the papers enclosed of the date mentioned in your letter, have ever been recd. in this Office, they are disposed of in a manner not accounted for by any entries or files in this Office.

I have the honor to be, Gentlemen, with the greatest respect, Your Most Obedt Humble servt.

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ This letter is in PCC, item 59, 3:131–34.

² See *JCC*, 20:717, 21:1063.

Roger Alden to Benjamin Walker

Sir

Office of Secy of Congress. June 7th 1787

To Yours by Mr Wilson, I must answer as an official servant, and inform You that You have had some, but not all the truth upon the subject of enquiry.¹

Your report was committed & the report of that committee is now before Congress—nothing has ever been determined upon it.² You are not mistaken as to the principal fact, nor are Members of Congress obliged to know every thing that is left undone, tho the anxiety of those concerned may induce them to think that a Man in Congress, or a Member of a Legislature ought to know as well as feel all their wants and distresses—and Col Carrington has discovered the goodness of his heart by even wishing that all the servants of the public may have their due—but You are not mistaken.

Attested by Yours sincerely

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ Walker's letter to Alden, dated "Office Hospital Accts. June 7. 1787," is in PCC, item 49, fols. 359–62. Walker, who was the commissioner appointed for settling accounts of the hospital, marine, and clothier's departments, had inquired about the disposition of his report on the case of John Berrien, formerly commissary of military hospitals.

² For Walker's report on Berrien's case, and that of the committee (consisting of Edward Carrington, Arthur St. Clair, and Jonathan Sturges), to which it had been referred, see *JCC*, 31:664–65, 757–58, 33:745, 34:617.

Nathan Dane to Samuel Holten

Dear Sir

New York June 7. 1787

I informed the Governor a few days since that there were five states assembled in Congress—and that in a few days I should esteem it my duty to return to Massa. till one of the Delegation could Join with me in representing the State, &c. unless I should hear of your recovering your health and determination to come on to N York. New Jersey is since arrived, and was Massa. represented there would I suppose be a Congress. Mrs. Dane since informed me you proposed to come on to N. York late in May or Early in June—and seeing by the public papers that you took your Seat in the Legislature leaves me in doubt what to do, whether to return to Massa. or continue here for the present.¹ Mr. Gorham and Mr. King are attending the Convention and will probably be there some months. The State therefore cannot be represented in the mean time unless convenient for you to attend. It is unnecessary for me to continue here without a Colleague—and it must be very inconvenient—should you arrive here and find me returned to Massa. I have therefore thought it will be best for me to continue here a few days and consult you on the subject—if this shall find you in Boston I can receive a line from you next Saturday week. I will as things are circumstanced beg the favor of your determ[in]ations on this subject. There are several objects before Congress of considerable importance—among others proposals from the Ohio Company to purchase a large tract of the federal lands.

With the greatest esteem and respect, I am, Sir, Your friend and
Hunbl. servant, N. Dane

RC (MHi: Colbourn Collection).

¹ Holten arrived to take his seat in Congress on June 21. *JCC*, 32:296.

William Blount to John Gray Blount

Sir,

New York June 8th 1787

Annexed hereto you will find an account of sales of a Hogshead of Deerskins belonging to the State of North Carolina¹ which has netted forty four pounds ten Shillings. There is also annexed an account of twelve pieces of Linnen recived from Messrs. Atkinsons the Purchasers in payment for them amounting to £44.2.4. This is the fourth

Hogshead of Skins that has been recived here in part pay for the Goods by me sold belonging to the State of North Carolina to Bryan Ward. The Linnens I ship on Board the Vessel commanded by the Bearer here of Captain Bartlet bound to New Bern to your Address and to the Care of Captain John Daves. I beg you will sell them or cause them to be sold on account of the State for the most obtainable in Mony or the Governor's Warrants on the Treasury so as to have the Account of sales in hand by the Siting of the next Assembly that is if the Governor does not give you any Directions respecting them and if he does you will please attend to them in preference—a Desire that the Skins that are recived from Mr. Ward should refund to the Treasury as much Mony as the Goods sold him cost has induced me to cause the Mony arising from the Sa[les] to be laid out in Goods here. Indeed the Skins would not have commanded more than 16d. per lb. at three Months Credit to have been paid for in Mony.

Linnens I do not suppose will bear so high a profit as some other Articles but they will bear the highest that could be purchased for Skins at 18d per lb. and they are laid in as low as a Cent which is very low. I fear you will complain that I have put this Business in your hands but I beg you will excuse it and make or [cause] to be made by Som[e] Sure hand the b[est] possible sales of the Linnen. I am Your most Obt. serva[nt],

Wm. Blount

RC (Nc-Ar: Blount Papers).

¹ This account and a brief note of this date from Blount to Gov. Richard Caswell explaining the receipt of this "fourth Hogshead of Deerskins" are in *N.C. State Records*, 20:719–21.

Henry Lee to Beverley Randolph

Sir.¹

New york June 8th. 1787

I have to ask pardon for my omission in writing last week, and now beg leave to reply to your letters of the 19h & 28h of May.²

The first relates to the detention of the indents for 86 & 87.³ We feel very much distressed to know that our country is groaning under injurys, which we have no opportunity to attempt to releive her from. The remedy being solely in Congress and that body being for the present out of session. The board of treasury are merely executive, and dare not exercise the power of altering resolutions committed to their conduct.

The scheme of indents originated for the purpose of enabling the public to discharge the interest of the domestic debt, & is marked by

three conditions which seem clearly to explain the natural operation & effect of this branch of the revenue system—viz—That indents shall be issued only to such state or states as may have passed the requisition, providing for its payment, adequate funds—That the payment of indents shall be in proportion to the payment of specie, & that they shall be receivable only in discharge of the requisition of the year, to which they were allotted.

From the first condition it follows that indents cannot be issued to any state whose compliance with the requisition is not substantial and effective. If then the act of the Legislature of Virginia passed in the last session, is only a compliance in name, the board of treasury are bound to withhold the indents for the present year.

If on the contrary the compliance is effective, the board has criminally neglected their duty, & deeply injured the state. The act of the assembly has been laid before congress, & will be the subject of their deliberation as soon as they re-assemble. Certain it is that our country has been grossly injured, & that the injury is attributable either to the Legislature, or to the board of treasury.

The detention of the indents for the year '86 is authorized by the last of the three recited conditions, for the receipt of indents issued on the requisition of the 27h Sept. 85 is only admissible in payment of the taxes of that year & in the specified ballances stated in the resolve of the 12h Oct. of the same year, it being a fundamental principle of the revenue system that distinct appropriations shall be established for the redemption of indents issued on distinct requisitions.

The lettr. of the 28h respects the pay of the third commissioner appointed in conformity to the resolve of Congress for adjusting the claims of Virginia against the union, for moneys expended and services performed in the conquest & protection of the western territory. We communicated the purport of this lettr. to the board of treasury, who in compliance with our wishes have been pleased to issue their order for two hundred dollars, in favor of the commissioner, determining to unite with the state in advances of money to this officer, untill the decision of Congress shall be had on the subject. This we trust will prevent any interruption in the concluding a business, which has already too long been neglected. I have the honor to be sir, with great respect & regard your most obt

Henry Lee Junr.

RC (Vi: Continental Congress Papers). Addressed: "The honl. B. Randolph esqr."

¹ Randolph (1754–1797) was president of the Virginia executive council and presided as lieutenant governor in the absence of Gov. Edmund Randolph who was attending the Philadelphia Convention. See *Journals of the Virginia Council*, 4:107.

² Not in PCC.

³ For an explanation of this "detention," see Virginia Delegates to Edmund Randolph, February 26, note 1.

Edward Carrington to Thomas Jefferson

Dear Sir

New York June 9. 1787

I did myself the honor to address you by favor of Mr. Payne, in answer to yours of the 16th January.¹

The proposed scheme of a convention has taken more general effect, and promises more solid advantages than was at first hoped for. All the States have elected representatives except Rhode Island, whose apostasy from every moral, as well as political, obligation, has placed her perfectly without the views of her confederates; nor will her absence, or nonconcurrence, occasion the least impediment in any stage of the intended business. On Friday the 25th Ult. seven States having assembled at Philadelphia, the Convention was formed by the election of General Washington President, and Major W. Jackson Secretary. The numbers have since encreased to 11 States—N. Hampshire has not yet arrived, but is daily expected.

The Commissions of these Gentlemen go to a thorough reform of our confederation. Some of the States, at first, restricted their deputies to commercial objects, but have since liberated them. The latitude thus given, together with the generality of the Commission from the States, have doubtless operated to bring Genl. Washington forward, contrary to his more early determination. His conduct in both instances indicate a deep impression upon his mind, of the necessity of some material change. It belongs to his wisdom and weight of character to be averse to meddling in a fruitless attempt; and this must have been the case upon a confined ground, or a very partial representation of the States: it would have been equally inconsistent with his situation to come forward upon any occasion, except in the extremity of public necessity. In every public act he hazards, without a possibility of gaining, reputation. He already possesses everything to be derived from the love or confidence of a free people, yet it seems that it remained for himself to add a lustre to his character, by this patriotic adventure of all, for his countries good alone.

The importance of this event is every day growing in the public mind, and it will, in all probability, produce an happy era in our political existence—taking a view of the circumstances which have occasioned our calamities, and the present state of things and opinions, I am flattered with this prospect. Public events in the United States since the peace have given a cast to the American character, which is by no means its true countenance. Delinquencies of the States in their federal obligations; acts of their legislatures violating public Treaties and private Contracts, and an universal imbecility in the public administrations, it is true, form the great features of our political conduct; but these have resulted rather from constitutional defects, and accidental causes than the natural dispositions of the people. Desti-

tute as the fœderal sovereignty is of coercive principle, backwardness in the component parts to comply with its recommendations, is natural and inevitable. Coercion in Government produces a double effect—while it compels the obedience of the refractory, it redoubles the alertness of the virtuous by inspiring a confidence in the impartiality of its burthens. From defect of penalty, ideas of delinquency are inseparable. States, as well as individuals, will contemplate both together, and apprehensions of unequal performance, produce disgust and apathy throughout.

The nefarious Acts of State Governments have proceeded not from the will of the people. Peace once obtained, men whose abilities and integrity had gained the intire popular confidence, whose zeal, or indolence, in the public affairs, alike, moved, or lulled, the people, retired from the busy scene, or at least acted with indifference. The news papers ceased to circulate with public information. Demagogues of desperate fortunes, mere adventurers in fraud, were left to act unopposed. Their measures, of course, either obtained the consent of the multitude, by misrepresentation, or assumed the countenance of popularity because none said nay. Hence have proceeded paper money, breaches of Treaty &c. The ductility of the Multitude is fully evidenced in the case of the late tumults in Massachusetts. Men who were of good property, and owed not a shilling were involved in the train of desperado's to suppress the courts. A full representation of the public affairs from the General Court through the Clergy, has reclaimed so great a proportion of the deluded, that a Rebellion which a few months ago threatened the subversion of the Government is, by measures scarcely deserving the name of exertion, suppressed, and one decided act of authority would eradicate it forever. In this experiment it is proved that full intelligence of the public affairs not only would keep the people right, but will set them so after they have got wrong.

Civil Liberty, in my opinion, never before took up her residence in a country so likely to afford her a long and grateful protection as the United States. A people more generally enlightened than any other under the Sun, and in the habits of owning, instead of being mere tenants in, the Soil, must be proportionably alive to her sacred rights, and quallified to guard them; and I am persuaded that the time is fast approaching when all these advantages will have their fullest influence. Our tendency to anarchy and consequent despotism is felt, and the alarm is spreading. Men are brought into action who had consigned themselves to an eve of rest, and the Convention, as a Beacon, is rousing the attention of the Empire.

The prevailing impression as well, in as out of, Convention, is, that a fœderal Government adapted to the permanent circumstances of the Country, without respect to the habits of the day, be formed, whose efficiency shall pervade the whole Empire: it may, and probably will, at

first, be viewed with hesitation, but, derived and patron[i]sed as it will be, its influence must extend into a general adoption as the present fabric gives way. That the people are disposed to be governed is evinced in their turning out to support the shadows under which they now live, and if a work of wisdom is prepared for them, they will not reject it to commit themselves to the dubious issue of Anarchy.

The debates and proceedings of the Convention are kept in profound secrecy. Opinions of the probable result of their deliberations can only be formed from the prevailing impressions of men of reflection and understanding. These are reducible to two schemes—the first, a consolidation of the whole Empire into one republic, leaving in the states nothing more than subordinate Courts for facilitating the administration of the Laws—the second an investiture of a fœderal sovereignty with full and independant authority as to the Trade, Revenues, and forces of the Union, and the rights of peace and War, together with a Negative upon all the Acts of the State legislatures. The first idea, I apprehend, would be impracticable, and therefore do not suppose it can be adopted. General Laws through a Country embracing so many climates, productions, and manners, as the United States, would operate many oppressions, & a general legislature would be found incompetent to the formation of local ones, as a majority would, in every instance, be ignorant of, and unaffected by the objects of legislation. The essential rights, as well as advantages, of representation would be lost, and obedience to the public decrees could only be ensured by the exercise of powers different from those derivable from a free constitution. Such an experiment must therefore terminate in a despotism, or the same inconveniencies we are now deliberating to remove. Something like the second will probably be formed—indeed I am certain that nothing less than what will give the fœderal sovereignty a compleat controul over the State Governments, will be thought worthy of discussion. Such a scheme constructed upon well adjusted principles would certainly give us stability and importance as a nation, and if the Executive powers can be sufficiently checked, must be eligible. Unless the whole has a decided influence over the parts, the constant effort will be to resume the delegated powers, and these cannot be an inducement in the fœderal sovereignty to refuse its assent to an innocent Act of a State. The negative which the King of England had upon our Laws was never found to be materially inconvenient.

The Ideas here suggested are far removed from those which prevailed when you was amongst us, and as they have arisen with the most able, from an actual view of events, it is probable you may not be prepared to expect them. They are however the most moderate of any which obtain in any general form amongst reflective and intelligent Men. The Eastern opinions are for a total surrender of the state

sovereignties, and indeed some amongst them go to a monarchy at once. They have verged to anarchy, while to the southward we have only felt an inconvenience, and their proportionate disposition to an opposite extreme is a natural consequence.

I have encroached on your patience by a long letter, nor could I compress the information which I wished to convey into a smaller compass. Disquisition has been avoided except where it became necessary to compleat my ideas, because, being possessed of facts and circumstances your own reflections will furnish better, and it will afford me pleasure, as well as improvement, to receive them from you.

Mr. Rutledge son of Governor Rutledge will be the bearer of this and I beg leave to introduce him to your attentions. He has been some time at Phila. and will be able to give you some information upon our public affairs. Be good enough to present me to Mr. Short,² and assure yourself that it is with the greatest esteem and respect that I have the honor to subscribe myself, Your Most Obedt. Servt.,

Ed. Carrington

RC (DLC; Jefferson Papers).

¹ See Carrington to Jefferson, April 24.

² This day Carrington also wrote the following brief letter to William Short: "Having written a long letter to Mr. Jefferson upon the present political State of this Country which you will see, I reserve myself as to you for the next opportunity. I cannot however delay to acknowledge my obligations for yours of the 3d of Novr. & 22d of March, & to Express the high sense I have of these instances of your affectionate remembrance & regard. Be assured that I most cordially close with your proposition of corresponding. Permit me to introduce Mr. Rutledge who will do me the honor to deliver this, to your acquaintance and civilities." Short Papers, DLC.

Nathan Dane to Stephen Higginson

Dear Sir.

New York June the 9. 1787.

By the last post I received your's of the 3d inst.¹ with the two letters inclosed which I forwarded to your son—(you mention that Mr. Jackson proposes going in person to Aux Cayes). I wrote you in my last that we had given your Statement relative to your affairs with Wethered, at that place, to Mr. Jay and as soon as we could obtain his opinion I would give you his sentiments as well as our own on the subject agreeable to your request. I have since consulted him upon it. He is of opinion, and I think his opinion is well founded, that it will be advisable immediately to get an authentic Statement of the facts so as to establish the two most material facts—that *Wethered was a Citizen of the United States when he died*—and that *his effects have been claimed under the Droit d'Aubaine*. These facts established will lay the foundation for negociations with the Court of France, and for an explanation of the

treaty relative to the extent of our exemptions from the operations of this law or right of Escheatage. As soon as the material facts mentioned, can be authenticated Congress will, I conceive, as early as possible direct their minister at that Court, to pursue the proper measures for obtaining a true explanation of the part of the treaty in question. As to the proper construction of this part of the treaty I find different opinions are adopted. Mr. Otto seems to be of opinion that our privileges or exemptions from this law are limited to the Kingdom of France. Perhaps this opinion is countenanced by the mere words, by a literal limited construction of the article—but Mr. Jay & other gentlemen, I believe, who have considered it on National principles and the principles of reciprocity, conceive the exceptions claimed, are as extensive as the subject of the treaty, Viz. the *Dominions* of France or territories subject to the most C. king, as well as the Dominions or territories of the United States. For construing this or any other National treaty, sensible and liberal negociators will always attend to the general ideas and objects of the parties. The contrary practice or conduct, that of adhering to the words or letter strictly, would, I am very confident, render three fourths of the treaties made in the present and last Centuries totally useless & inconsistent. As our Citizens can be relieved in the case in question, only by a fair explanation of the treaty, or by some new article; which can be obtained only by consent of the parties, it may not be of much importance now to adduce the reasons and authorities that may be suggested in favor of the construction of the treaty our Citizens are interested in claiming. However, then, when brought fairly into view, may have influence on the conduct of the French officers &c concerned in executing the alien law in contemplation. I do not feel myself able to furnish you with any, which have not already, probably, occurred to you, but as you request my sentiments on the subject, and my examination of it may, possibly, be of some service, I readily communicate to you the result of the few reflections which have occurred to me on this subject.

From a careful examination of treaties, made in the present & last Centuries, I find this position clear; that very little attention has been paid by negociators to the accurate and proper use of words, especially those signifying territories, or the *whole* or *part* of the nations *dominions* &c. A little attention to this will shew the glaring impropriety of confining ourselves to mere words in treaties. The words—*France—Spain—England—Holland* &c. it is well known, literally construed, convey only the ideas of certain limited tracts of Countries, being but a part of the French, Spanish, British, & Dutch Dominions. Yet in many treaties, and in a multitude of instances, those words only, are used where the subject and the conception was clearly the national body politic, government, Dominions, &c. This was remarkably the Case in the treaties of the Cromwells—Louis 14 &c. In the treaty of 1655 be-

tween the *British and French Nations*—the parties say “if any prince make war on *France* or *England* they will join their forces,” & they say, “English ships may lade in any of the *dominions of France*” & the next Art. Englishmen “dying in *France*” shall not be subject to the *Droit d. Aubaine*, &c. They speak of the *enemy of France*—*Enemy of England*—*king of France*—*king of Spain*—*king of England*, &c. repeatedly in this and other treaties, when binding the respective Nations. Literally speaking, there was no king of *England*—no king of *France*, could be no enemy of *England* or enemy of *France*—in the treaty of 1678 Between the French & Dutch Nations. The parties say—“the subjects of each party in the *Dominions* of the other” shall be exempt from the law of *Aubaine* & other similar duties. Here it may be observed the exemption and expression were coextensive with the subject or reason of the Case—but in the same treaty they say “if any breach shall happen between *France* & *Holland* then &c”—*France* here must mean something more than a certain tract of Country called *France*, apart of the French *Dominions* or of the French Nation—and were it not a fact—one would hardly conceive a Dutch negotiator would use the word [*word*] *Holland*, the name of a single province, to convey the idea of his nation.

In the treaty of *Utrecht* between the *British & French Nations*—the parties say there shall be liberty of Commerce between their subjects in all their kingdoms, States, *Dominions* & provinces in *Europe*. But by the 8 & 13 arts it is clear the respective subjects in their enjoying the benefits of the most favored Nation and exemptions from the law of *Aubain* are not confined to the kingdoms &c in *Europe*. The first they have expressly “in all Countries & places subject to either power”—the last “within the *Dominions* and any other places belonging to the Queen of Gr. Britain and to the Most Ch. King.” It may deserve notice that this treaty makes those benefits and exemptions more extensive than the liberty of trade.

The words *kingdoms in Europe*, *Countries in Europe*, *Dominions in Europe* have been used with more attention, and meaning, but in several Cases the words *in Europe* have been clearly inadvertently inserted—and relative to the law of *Aubaine* or alienage the restrictive words, “in *Europe*” are used in but very few treaties, and, I believe, in none with any particular meaning unless they are in the family Compact of 1761. In that the words, in *France*, in *Spain*, in the *Spanish Dominions in Europe*—in the two kingdoms in *Europe* seem to be repeated with a meaning—when speaking at will of the subject of the treaty as of the exemptions from that law—tis possible the French may urge this as a reason for a limited construction of our treaty—but there is a clear distinction in the words & principles of the two treaties which I shall mention hereafter.

We are naturally led to examine our treaty with *France* and other treaties in point—to consider the objects and views of the parties—the

reasons of the several Stipulations—and to draw our conclusions not from words merely, but from words taken in connexion with the objects which probably existed in the minds of the parties.

Our treaty with France is a treaty of "*Amity and Commerce for founding Commerce on reciprocal utility, and the Just rules of free Intercourse.*" The treaty throughout preserves this idea of liberality and reciprocity except in a limited expression in the 4 art. and one in the 13th art. In the 4 it is said we are to enjoy in the kings ports &c *in Europe*—the privileges and exemptions of the most favored Nations—why are the words "*in Europe*" inserted? In allowing the benefits allowed to other nations the most favored I see no such distinction [*with*] treaties made before this. The French enjoy those benefits in all our ports and Dominions—and if she admit other nations to her ports, &c not in *Europe*, freely, or on certain terms, why not our Citizens on the same conditions? These words "*in Europe*" I confess puzzle me; if they mean any thing, they mean a vast deal—the benefits allowed the most favored Nations are extremely indefinite at best, and when secured without limitation, they are of no great importance; for the Nation granting them may make any commercial or other restrictions she pleases, provided they operate equally on those called favored—as to these benefits in the french European ports, so many Nations enjoy them, and even without treaties, that when we obtain them only, or a share in them, we get but very little—and if we cannot claim these in her Colonial ports, the other Nations may, where is the equality of the treaty? As she has, I believe, inserted these restric[t]ive words, also in some of her late treaties perhaps She means to insist on the limited construction of this Art—and her officers may attempt to make use of it in construing the 13th Art—tho I think not with much reason even admitting the limited meaning of the (4th art).

By the 13th art the inhabitants of the Un. States shall not be reputed *Aubenes in France* and shall be exempted from the droit d'Aubane, &c, and the French subjects are secured, in a perfect reciprocity in this respect in *all the dominions* of the U. States. What are we to understand by the words "*in France*" is the question. Can they possibly have in this plan any literal meaning? Strictly what is France in the sense of treaties; Louis is King of France and Navarre, &c. The word France, as before observed, has been vaguely used in treaties, and to make any sense of the treaties we must generally understand by it, the Dominions of France, the French Nation or territories subject to his most Ch. majesty. The word, therefore, having been thus used we are at liberty, to consider and construe it as will best agree with the reason of the case. The reflections which must occur on this subject are natural. They occur on a general view of society. The law, or custom in question, by which kings, &c., are authorised to seize the effects of Strangers dying in their dominions has never been the Gen-

eral law of Nations—it grew up in barbarous times, when it was thought best to have little or no intercourse with foreigners and is totally opposed to the Commerce and liberality of modern times. It has long been almost a matter of Course in all commercial, and friendly treaties, to provide agt. the operations, severe and unusual effects of this law—and tho in many treaties the liberties of free trade, have been limited, by the parties, to certain Countries, &c. Yet the exemptions from this law have, usually, been general, and extended to all their dominions. This was the Case in the Treaty of Utrecht before mentioned. By our treaty with the Dutch we cannot trade to their East and West India ports, &c. but by the 6 art we enjoy these exemptions in all their Dominions & our effects will pass to our heirs, &c. There is a like principle in the Swedish treaty—the like may be seen in other treaties.

It is true in the family Compact this does not seem to be the Case. The liberties of trade, and these exemptions in it, appear to be limited to the French & Spanish *European* ports—but it may be remarked that this singular treaty does not extend any commercial or other intercourse between the subjects of the two Nations beyond their European dominions and this was rather a treaty of offensive & defensive alliance than any thing else.

The declared object of our treaty with France was Amity, Commerce and a perfect equality. It clearly admits an idea which must have very considerable weight in the Construction of it, even admitting the limited sense of the 4th art that we have no claims to trade to the French West Indies, &c. tho other nations should be admitted there—independent of a fair constructive claim of reciprocity in this respect. The treaty admits the fact that our Citizens on the liberal principles of intercourse with all French subjects, may be and have property in *all* French ports as well in those that are not called free as those that are—by the 19th the subjects of either party, may carry, freely, their prize effects &c. into all the ports, of the other, and depart with them when they please.

The suggestion that we had no law of Aubene, and that therefore, this exemption on the part of France, was gratuitous and without an equivalent, does not appear to me to have much weight in it. The treaty when considered must appear clearly to have the same effect in this respect as to both parties. France gave up nothing; she resigned no effects of our Citizens; she stipulated only, that in future she would not seize the effects of our Citizens dying in her Dominions. We agreed to a perfect reciprocity; that is, Stipulated that we would not seize the effects of her subjects dying in our dominions. Tho we had no law of Aubene, we could at any time have made one if we had not been restrained by the treaty.

On the whole carefully considering the treaties and conduct of nations, especially in modern times, relative to this law, and the effects of deceased aliens, I think, it is clear, they readily and carefully, in general, guard against the operations of it—that exemptions from it are usually as extensive as the dominions of the nation granting them, and if limited at all, to particular parts, it is only in a few Cases that may receive that construction—that the exemptions in no Case are more limited than the liberties of trading & intercourse, but in most Cases, more extensive. These facts appear to me to be perfectly conformable to Reason and Justice. National policy may often dictate that a Sovereign may exclude some parts of his dominions to foreigners, and open to them other parts.

Liberties and benefits in trade, to carry our goods to certain markets, and bring from thence what we want, are founded in mere principles of Interest, and with propriety may be more or less extensive according to existing circumstances.

But when we are admitted into the ports of a friend with our property, freely, or on conditions, humanity, Justice, and every social principle seem to forbid the sovereign of them seizing the effects of those who may happen to die there.

These and many other reasons, that may be urged, for extending the exemptions in question, the liberality of his most Ch. majesty on these subjects &c appear to me to make it highly probable, at least, that the treaty will receive the construction you wish for—in Case it can be proved that Wethered when he died was a Citizen of the United States. In the late Division of the British Empire, Wethered might fall into either part, and avow his allegiance to G. Britain or to the united States, I should suppose his conduct in the early parts of the revolution must go far towards determining to which side he adhered.³

Mr. King is in Philadelphia. The Convention seems to be setting in solemn silence—we hear not a word from them—we do not even conjecture what they will do. We all hope they will do something good, but I am confident you would feel, every day, extremely diverted to hear the various opinions circulating about what is called a good government, were you here or near the vortex of federal politics.

Your affecte Friend,

N. Dane

RC (MBevHi: Dane Papers).

¹ Higginson's letter is in "Letters of Stephen Higginson, 1783–1804," *American Historical Association, Annual Report*, 1896, 1:756–57. Higginson had also written to Dane on May 6 on the same subject, "whether by the Treaty with France Americans are to be subjected to the *Droit d'Aubaine* in the French Islands, and whether a native of America [*one Mr. Wethered of Boston*] by having resided abroad for several years loses his right of Citizenship and of course his right to exemption under that Treaty, from the operation of that Law of France." *Ibid.*, pp. 754–55.

² See *JCC*, 11:424, 429–30.

³ For Higginson's June 16 response, see *ibid.*, pp. 757–60. For other instances of concern over the operation of the *droit d'aubaine* under the Franco-American treaty, see these *Letters*, 14:351, 16:483–84; and Jefferson, *Papers* (Boyd), 17:434–35.

Benjamin Hawkins to Thomas Jefferson

Dear Sir,

New York the 9th June 1787

By the June Packet I have the happiness of complying in a great measure with my promise of the eighth of March. Finding that I had lost most of my plants through the inattention or ignorance of the Captain who had the care of them from North Carolina although I made repeated trials and the last with giving particular directions on the proper method of treating them: And fearing that similar inattention might prevent your receiving of them, I have taken the liberty of addressing the whole to M. le Comte de Buffon intendant du Jardin du Roi au Jardin du Roi a Paris: And in return for this liberty I have requested the favor of the Comte to divide the plants equally between you and himself.

Mr. de la Forest do's not go to France as I expected but he, nevertheless, interests himself in the safety of the p[l]ants and has written to Monsieur de Mistral commissarie general de la Marine au ordonnateur au Havre, to forward with great care the box and four earthen pots in which they are contained. As soon as I can procure any of the seeds, I will send them as you have directed. The largest of the pots and the broken one is filled with the native soil. In the box and the other pots I laid a clay foundation, not having a sufficiency of the Native soil to fill them. You know I believe that they grow low down in North Carolina where the soil is generally moist.

I expected to have had the pleasure of communicating to you the part of the information on Indian Queres which I had allotted to Mr. McGillivray but my letters are not yet come to hand, tho' I have reason to believe that he wrot to me some time in March by our Superintendant of Indian affairs and as he is on his way hither, probably I shall get them within this month.

Our friend Colonel Carrington promises me to give you a long narrative of our Politics, and therefore it would be superfluous if not presumptuous in me to do it. I will only add that every citizen of the United States is looking up with eager, anxious hopes to the convention for an efficient Government: that the proceedings of the Convention are under such an injunction of Secrecy as that confidential communications are inconsistent with the rules established as necessary to preserve the fullest freedom of discussion and to prevent misconceptions and misconstructions without doors.

Adieu Dear Sir, and believe me sincerely and truly your faithful friend and Most obedient humble Servt, Benjamin Hawkins

[P.S.] Enclosed is a duplicate of the letter to the Count.¹

RC (DLC: Jefferson Papers). Jefferson, *Papers* (Boyd), 11:413–14.

¹ Not found.

Abraham Yates, Jr. to Robert Yates

Sr¹

New York 9 June 1787

I Rcd yours of the first Instant And have noted the contents. Our papers (from Paragraphs out of the Philadelphia papers) now and then alarm us With the account of the secrecy of the Convention, Some in Conversation approving and others Disapproving and the More knowing seem dayly to git more and more alarmed notwithstanding the pains taken in the papers to lull them Asleep.

I suppose the secrecy is intended to palm the Report upon the Legislators before they have time to Consider or Consult with their Constituents: I should not wonder if it had the Contrary effect: it would not be the first time that the Crafty were ketch in their own Craft.

By what I can learn here from the prerogative Gentlemen it amounts at last to this, they wish Congress Impowered *to lead or to drive*, to lead they suppose would require *a Revenue* to Carry that train of Management on, similar to that of the British Ministry: to Drive Would require *a Standing Army* to force a Compliance: and I think even one of the two Would Answer both purposes.

I shall try to be prepared but shall not Tire untill I have a fixed Object.

I am Sir, Your Most Obt. and very Humb. Sert.,

Abm. Yates Junr

PS This is intended to serve for You And Lansing Both.

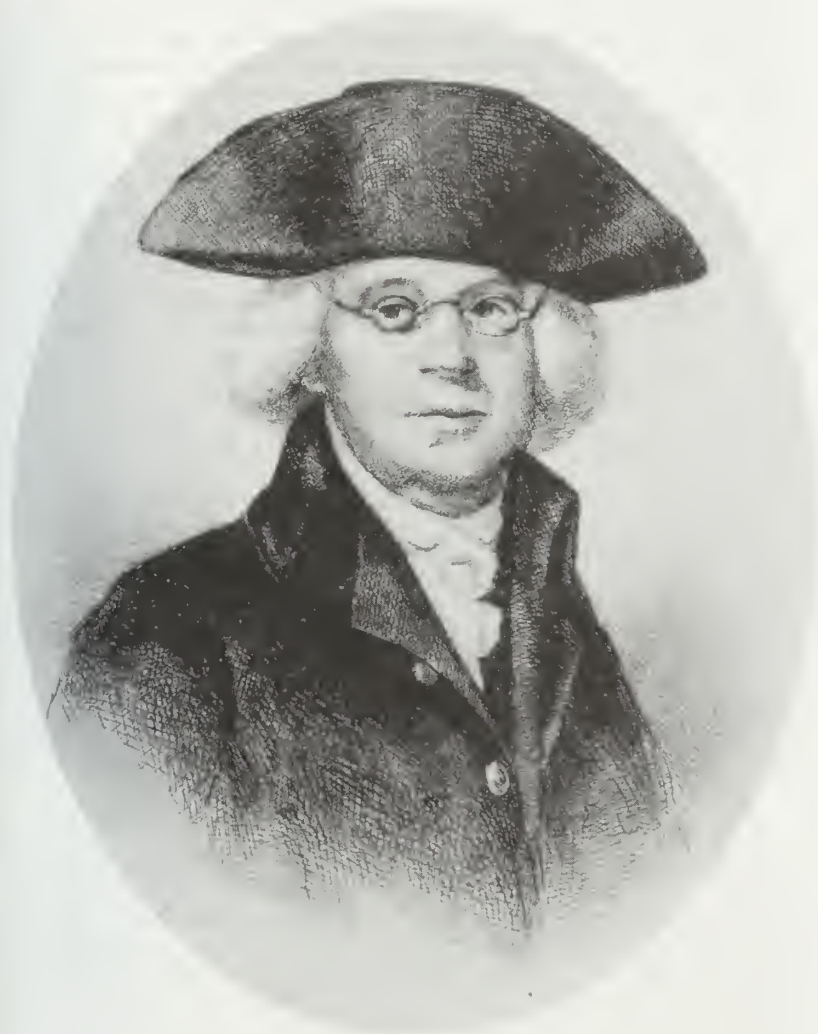
RC (NH: Yates Papers). Addressed: "The Honble. Robert Yates Esqr. at the Convention. Philadelphia."

¹ Robert Yates (1738–1801), an Albany lawyer and justice of the New York supreme court, 1777–98, had been elected, with John Lansing, Jr. and Alexander Hamilton, a delegate to the Constitutional Convention. While Hamilton was one of the most ardent of Federalists, Lansing and Yates were stanch Antifederalists. *DAB*.

Rufus King to Theodore Sedgwick

Philadelphia 10 June 1787

I am happy my Dr. Friend that you are a member of the Legislature



Abraham Yates

for the present year; and cannot but flatter myself that you will have so respectable a number of your own Sentiments that you will be able to check the madness of Democracy, and hold the political ship at least where she is, if you shall not be able to manage her agreeably to your own just Opinions. Moderation and firmness will be essential in your Measures; I wish you may have as good a proportion of these excellent qualities as truly characterise our Convention. I know you are anxious, in common with the virtuous and reflecting Characters of every State, to be informed of the Dispositions and projects which have shewn themselves in the Convention. Be a little patient; I think there is some foundation to hope for Good. I am precluded from communicating, *even confidentially*, any particulars of the proceedings. However I shall ask your opinion by an early post on some points of consequence, which must receive a Discussion in the Convention; the Questions must be made to you in confidence, and may serve to give you some Idea of what will be contended for by a respectable number of political Characters. Farewel—Remember that the Character, nay the most important Interest of Mass. is concerned in their sending men of Consequence, and not Dunces to Congress. Probably the most important considerations may be under the deliberations of the next Congress—the public Debt, the Claims of the several states, and a number of other Objects equally interesting & consequential.

Once more Farewel,

R King

[P.S.] I am very much pleased *with* Mr. Strong, his mind is what it shd. be.

RC (MHi: Sedgwick Papers).

James Madison to James Monroe

Philada. June 10. 1787. "I have been discouraged from answering sooner your favor of ¹ by the bar which opposes such communications as I should incline not less to make than you must do to receive. One of the earliest rules established by the Convention restrained the members from any disclosure whatever of its proceedings, a restraint which will not probably be removed for some time. I think the rule was a prudent one not only as it will effectually secure the requisite freedom of discussion, but as it will save both the Convention and the Community from a thousand erroneous and perhaps mischievous reports. I feel notwithstanding great mortification in the disappointment it obliges me to throw on the curiosity of my friends. The Convention is now as full as we expect it to be unless a report should be

true that Rh. Island has it in contemplation to make one of the party. If her deputies should bring with them the complexion of the State, their company will not add much to our pleasure, or to the progress of the business. Eleven States are on the floor. All the deputies from Virga. remain except Mr. Wythe who was called away some days ago by information from Williamsburg concerning the increase of his lady's ill health."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:43.

¹ That is, Monroe's letter of May 23, for which see *ibid.*, 9:416–17.

Roger Alden to Charles Thomson

Sir

New York. June 11th. 1787.

I request that You will consult your own Interest and convenience, and be assured that my pleasures or business shall always be subservient to Yours. You may not perhaps have so good an opportunity for some time—for when Congress Assemble your presence will be absolutely necessary—but at present You may enjoy the present recess without any inconvenience to the public¹—and should You wish, after Your return to make a tour into New England I will willingly postpone my Journey, until the month of Sept or Octr—if You may then think it proper to grant my leave of Absence for a little time.

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ For Thomson's sojourn in Philadelphia from ca. May 6 to June 23, see Alden to William Samuel Johnson, May 13, note 1. Congress had not mustered a quorum since May 11 and failed to do so until July 4. See *JCC*, 32:292–97.

William Blount to Joseph Clay

Dear Sir,

Newyork June 11th 1787

I have had the Pleasure to receive your's of the 28th April addressed to Doctr. Nicholas Romayne.¹ Hereto annexed is the Account of Sales of the Hogshead of Skins therein mentioned² and of three others³ recieved some short Time before which I presume as you deal in that Article will not be unacceptable. At present there are not States enough represented to form a Congress and I believe will not be untill the Convention rises. The Members of the Convention observe such inviolable Secrecy that it is altogether unknown

out doors what they are doing. I shall leave this in a few days to take my Seat among them.

Please present my Compliments to Mrs. Clay and believe me with much esteem, Your most Obedient Humble servant,

Wm. Blount

RC (PHi: Gratz Collection). Addressed: "Joseph Clay esquire, Savannah."

¹ This letter is in Blount, *Papers* (Keith), pp. 293-94.

² For the copy of this account that William sent to his brother John Gray Blount, see *ibid.*, p. 308.

³ Blount's enclosure shows the sale of 3 hogsheads of deerskins, containing 400, 288, and 252 skins each, for £76.16.4, £61.17.2, and £63.1.6, respectively. Gratz Collection, PHi.

Nathan Dane to Caleb Davis

Sir,

New York June the 12th 1787.

I had the honor of receiving the Secretary's letter of the 25th Ultio. accompanied with an extract from the Honble. Mr Sedgwick's letter of the 17th Ultio. both relative to the late conduct of the rebels, who have fled from Massachusetts into this State; and the former requesting the Delegates to communicate to his Excellency Governor Clinton the extracts of Mr. Sedgwick's letter. As my Colleagues were at Philadelphia, I immediately made that communication, and had some conversation with Governor Clinton on the subject of it. I have since seen him and the Attorney General together on the same subject. They appeared to be clearly of opinion, that the laws of this State, take cognizance of the offences of those rebels, who, in armed parties, or in a hostile manner, make incursions into Massachusetts, or bring from that Commonwealth its Inhabitants, or their effects into this State, in the lawless manner mentioned, and amply to provide for the punishment of those offences; as also for the punishment of the Citizens of this State, who conceal, aid or encourage those incursions or hostile proceedings.¹ They appeared also to be fully impressed with a sense of the pernicious consequences of suffering men who seem to possess but imperfect ideas of the true principles, blessings and sacred rights of society, by time to acquire and Strengthen habits so hostile and injurious to order and good government.

They assured me, the Ascertainment of facts only was wanting to this Government's taking prompt and effectual measures to prevent the further progress of the evils and crimes complained of. The rebels have connexions in this State, and no doubt, friends who conceal, protect and countenance them; but they are supposed to be so dispersed about in private families, and they, and their friends, so far concealed, that no military force, at present, can be brought to act, to

any valuable purpose against them. The best measures, therefore to be adopted, are supposed to be, those of decidedly carrying the laws of this State into execution, and to direct the Courts of law, Magistrates, Jurors, &c. as early as may be to ascertain facts, so as to form particular charges against individuals among the rebels and their abettors, guilty of the offences before mentioned, and to prosecute them without delay. Directions, I understand, were sometime since, given to this purpose, and will be further urged immediately. Information received from that part of the Country, upon examination, is often found to be erroneous, and for want of particular information of offences committed by known individuals, those Courts and Officers cannot, it seems, proceed effectually to punish them. Tho well disposed, there is, perhaps, in this, as in all, especially elective Governments popular or timid feelings in many Officers, that induce them to be less prompt in executing the laws against offenders in Cases like the present. As soon as charges can be fixed on individuals, they will, I am assured, be arrested, this must reduce the offenders to order and due obedience to Government, or force them to collect together; if the latter the magistrates have been assured of having a sufficient force immediately collected and ordered out to subdue opposition. The Government of this State appears to be disposed, to co-operate with the Government of Massachusetts on the present Occasion, and any evidence of facts, it was observed, tending to fix the crimes complained of, and cognizable by the laws of this State, upon the proper individuals, should receive every degree of Attention. Perhaps, officers and individuals in Massa. acquainted with the characters and particular crimes of these armed parties can furnish evidence of certain facts, So as to expedite the operation of the laws of this State. I conceive it is understood as well by this State, as by Massachusetts, that all the crimes committed in this State are punishable by those laws, and that the perpetrators of crimes in Massachusetts, fleeing to this State, when charged and demanded on the principles of the Confederation, must be taken up by this State and conveyed to that. The Governor of this State has ample powers in the present Case—and I feel Strongly impressed with this beleif, that every Government in the union must highly resent the conduct of armed parties, not only become open Enemies to the governments lately established by their's and the common consent of the people, but also mere robbers. Nor does it fail to excite the attention of those Governments to see men collected and armed against them, and attempting to give law in an extensive and Strong Country—men well known to pay but little respect to rights and obligations, religious or civil, whose armed connexions seem to form their hopes and importance, & who may become very troublesome to the other parts of the Confederacy, if not early brought back to their duty.

With the Greatest Esteem and respect, I am your affect freind &
Most Obedt. hum. servant, Nathn. Dane

P.S. Conceiving that Governor Clinton has made lately official Communications to our Governor on this subject and given him all the information useful or important on it, in answer to our Governor's letter &c in my letter to Gov. Hancock² I have only mentioned that I made the communications requested, &c but lest the Case *may be* otherwise, I have thought it best to state to you and two or three friends in private letters these facts and any measures proper may be taken.

RC (MHi: Davis Papers).

¹ For the efforts of Massachusetts officials to enlist the support of New York against the Shaysite fugitives who had fled the state, see Massachusetts Delegates to James Bowdoin, March 4, 1787; and *Bowdoin and Temple Papers* (MHS Colls.), pp. 171-72, 186-87.

² See the following entry.

Nathan Dane to John Hancock

Sir.

New York June 12th. 1787.

I do myself the honor to transmit to your Excellency, the inclosed copy of a letter directed to the Delegates of the States, Massachusetts and New York, by the Commissioners appointed by Congress to run the Jurisdiction line between those States.

This letter from the Commissioners was, yesterday, received in answer to a Joint letter of the Delegates of Massachusetts and New York of the 23d of April last, to those Commissioners upon this subject.¹ By this answer from the Commissioners it appears, that they have finally fixed on a later day for entering on the business of their appointment, than the middle of the present month, the time named by Mr. Hutchins,² one of them, when in New York a few days since, and of which I took an early opportunity to inform your Excellency.

Had the Commencement of this business been earlier fixed upon and known, the Delegates would have improved the opportunity of giving more timely information of it.

As two of the gentlemen, appointed agents by the Act of Massachusetts relative to this subject, live in the Westerly part of the State, and may need earlier notice than can well be obtained by the way of Boston, I transmitted to them also a copy of the Commissioner's letter.

With the greatest respect, I am, your Excellency's Most Obedt. Humble Servant, Nathn. Dane

P.S. The extracts from the Honble. Mr. Sedgwick's letter of the 17th Ult. transmitted by the Secretary to the Delegates to be communicated to His Excellency Governor Clinton, were duly communicated to him.³

RC (M-Ar: Revolutionary War Letters).

¹ See Massachusetts and New York Delegates to John Ewing and David Rittenhouse, April 23.

² A letter of June 25 from Thomas Hutchins, the geographer of the United States, to Congress soliciting six weeks leave of absence to begin the Massachusetts-New York survey "in company with Doctor Ewing and Mr. Rittenhouse on the 5th of next Month," is in PCC, item 60, fols. 185-88.

³ See the preceding entry.

William Grayson to Beverley Randolph

Sir

N. York. June 12th. 1787.

Your letter of the 2nd of Instant inclosing the communications from Colo. Shelby, has been recieved, and shall be laid before Congress as soon as a sufficient number of States shall have assembled, so as to enable them to proceed to public business;¹ When this will be the case is altogether uncertain; many of the members of Congress are now attending at the Convention, & some of the States have not sent delegates either to the one or the other. It is much to be lamented that the desire of dismembering States prevails in so great a degree among the citizens of the Union; if a doctrine of this sort is allowed, it will go directly to the destruction of all government for if the right exists in the first instance it may be carried so far as to reduce a State to the size of a county or a parish. It was a great misfortune that the principle was not attacked in the instance of Vermont: they might have been crushed in the beginning; but they have been permitted in quietness to grow powerful, & to furnish a fatal example to the Union.

There can be no doubt but the United States are bound to guaranty the limits of every State in the Confederation; their not interfering in the case alluded to, has subjected them to great inconveniences already; a very considerable body of people, residents of Vermont pay no taxes towards the support of the fœderal government, neither are they in fact a part of the union; they also furnish a comfortable asylum to all those who are disposed to fly from taxation in the others.

With respect to the State of N. Carolina it must be acknowledged they have acted with the greatest imprudence. After having giv'n up the country to the United States, & the government to the people they ought not afterwards [(l)on the reassumption) to have expected a voluntary obedience.² I shall transmit a copy of your letter with the communications to our delegates in the Convention, although I believe they are already sufficiently impressed with the propriety of defining in the most accurate manner, the limits of the States, as well as of providing an adequate remedy for the suppression of evils of this sort.

By letters from a Mr. Syms in Kentucki, late a member of Congress for the State of N. Jersey, we are informed that the people at the

Kaskaskies & Post Vinc[en]t are in the most unsettled situation. They complain (& in my opinion with great justice) that Congress notwithstanding their frequent applications, has [(l)ever since the cession of Virginia) suffered them to remain in a state of nature, with[ou]t law, government or protection; & they talk very strongly of becoming Spanish subjects.³

I have the honor to be, with the highest respect, Yr. Most Obed
servt.,
Willm. Grayson.

RC (Vi: Continental Congress Papers).

¹ Lt. Gov. Randolph's letter of June 2 enclosed an appeal from Gen. Evan Shelby, commander of the militia in the Washington district of North Carolina, to Gen. William Russell, commander of the militia in southwest Virginia. Shelby and Gov. Richard Caswell had become greatly alarmed at the behavior of officials in the self-proclaimed state of Franklin. "The New state party are now falling on the Civil officers of Government with men in arms, and wresting their property from them, forcibly and contrary to law." What was worse, the Franklin assembly was taking possession of and selling lands reserved to the Indians by the North Carolina Assembly, actions that would inevitably result in a general Indian war. Indeed, these "unprovoked Insurrections" by the Franklinites threatened "to dissolve even the very bands of the federal Union." In case North Carolina's militia did not arrive in time, Shelby intended to call on Russell for direct assistance. In his covering letter, Randolph instructed the delegates to lay the matter before Congress so that Virginia would be better prepared to "take Measures. . . most conducive to the peace of the United States." The letters were not submitted to Congress until July 6, two days after Congress finally mustered a quorum, when they were referred to the Secretary at War to report. That same day Congress also referred several other letters to Gen. Henry Knox concerning the state of the western country and relations with the Indians. The problem of the Franklin insurrections thus became caught up in the general question of Indian unrest. See *JCC*, 32:307n.3; *PCC*, item 71, 2:531-38; *Cal. of Va. State Papers*, 4:274-75; and Samuel C. Williams, *History of the Lost State of Franklin*, rev. ed. (New York: Press of the Pioneers, 1933), pp. 140-48. For General Knox's July 11 report, see Grayson to Randolph, June 25, note 1.

² See, for example, these *Letters*, 22:117-20, 434-37.

³ John Cleves Symmes' May 3 letter was read in Congress on July 6 and referred to the secretary at war to report, for which see *JCC*, 32:307n.

Edward Carrington to James Madison

Dear Sir,

New York June 13. 1787

I am favoured with yours of the 10th Instant¹ and thank you for it. Be good enough to pay Major George Turner, if he is still in the City, £4.5.6 Pensylvania Currency, and, at your leisure, send me the balance of the 100 dollars by some freind who may be coming here. It will, however, be unnecessary for you to put yourself to the least inconvenience to do so. Nothing yet of the remittance from South Car-

olina for our freind Monroe,² nor will the distribution of Mordicais effects take place until sometime in July. It is supposed that it will not exceed 5/. in the pound.

Had the rules of the convention permitted communications from thence, you would have conferred an obligation by including me in the number of your correspondents upon the subjects of deliberation in that assembly. My curiosity is, however, perfectly suppressed by the propriety of the prohibition. Having matured your opinions and given them a collected form, they will be fairly presented to the public, and stand their own advocates—but caught by detachments, and while indeed immature, they would be equally the victims of ignorance and misrepresentation. The public mind is now on the point of a favourable turn to the objects of your meeting,³ and, being fairly met with the result, will, I am persuaded, eventually, embrace it. Being calculated for the permanent fitness, and not the momentary habits of the country, it may at first be viewed with hesitation, but derived and patronised as it will be, its influence must extend into an adoption as the present fabric gives way. The work once well done will be done forever, but patched up in accommodation to the whim of the day, it will soon require the hand of the cobbler again, and in every unfortunate experiment, the materials are rendered the less fit for that Monument of Civil liberty which we wish to erect. Constitute a federal Government, invigorate & check it well—give it then independent powers over the Trade, the Revenues, and forces of the Union, and all things that involve any relationship to foreign powers—give it also the revisal of all State Acts. Unless it possesses a compleat controul over the State Governments, the constant effort will be to resume the delegated powers, nor do I see what inducement the federal Sovereignty can have to negative an innocent act of a State. Constitute it in such shape that, its first principles being preserved, it will be a good republic. I wish to see that system have a fair experiment—but let the liability to encroachments be rather from the federal, than the State, Governments. In the first case we shall insensibly glide into a Monarchy, in the latter nothing but Anarchy can be the consequence.

Some Gentlemen think of a total surrender of the State Sovereignities. I see not the necessity of that measure for giving us National Stability or consequence. The negative of the federal Sovereignty will effectually prevent the existence of any licentious or inconsiderate Act—and I beleive that even under a Monarchy it would be found necessary thus to continue the local administrations. General Laws would operate many particular oppressions and a general legislature would be found incompetent to the formation of local ones. The Interests of the United States may be well combined for the Common

good—but the affairs of so extensive a Country are not to be thrown into one mass. An attempt to confederate upon terms materially opposed to the particular Interests would in all probability occasion a dismemberment, and in that event, within a long time yet to come, the prospects of America will be at an end as to any degree of National importance, let her fate be what it may as to freedom or Vassalage. Be good enough to present me to your honourable Collegues and beleive me to be with the Utmost sincerity, Your affectionate Freind & Humble Servt.,
Ed. Carrington

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:52–53.

¹ Not found.

² See Madison to James Monroe, April 19, note 2.

³ For a study of the preparation of “the public mind” for the favorable reception of the work of the Philadelphia Convention, see John K. Alexander, *The Selling of the Constitutional Convention: A History of News Coverage* (Madison, Wis.: Madison House, 1990).

James Madison to Ambrose Madison

Philada. June 13th. 1787. “The Convention have been sitting several weeks. Eleven States are on the floor, including between 40 & 50 members. The rules adopted oblige me to disappoint the curiosity you will naturally feel to know something of their proceedings. I think the Session will be of considerable length.”

RC (MH-H); reprinted from Madison, *Papers* (Rutland), 10:51.

William Blount to John Gray Blount

Newyork June 15th 1787

Major Pierce¹ returned here last Night from the Convention of which he is a Member and says it is probable and that it [is] the general Opinion of the Members of that Body that it will not rise before the Middle of October.

I have not learned from him what in particular is done but he says in general Terms very little is done and Nothing definitive indeed I suppose he would not like to descend to particulars even to me who am a Member as I have not taken my seat for the Members are under an Inju[n]ction of Secrecy not [to] disclose by writing or otherwise any part of their Proceedings to any Persons but siting Members. Pierce, Hawkins & myself leave this on Monday the 18th for Philadelphia. For this Week past I have been so well of my Complaint as to

have but little pain but the fear of a Return from the Exercise of Traveling has kept me here and I have been the more tardy in leaving this as I have been daily advised of the State of things in Convention & k[new] there was no great Necessity for my Presence.

RC (Nc-Ar: Blount Papers).

¹ That is, Georgia delegate William Pierce.

Rufus King to Nathan Dane

Dr. Sir

Philadelphia 16 June 1787

I think that I informed you that by an early Order of the Convention the members are restrained from communicating any thing done in convention during the Time of their Session. The object was the prevention of partial representations, and also the additional consideration of leaving the Report of the convention to stand or fall on its own merits. I am therefore prevented from writing to you with that freedom which otherwise I should do, as well for your information of the proceedings of the convention, as to obtain your sentiments on points of consequence which must here receive their discussion.

You dont inform me how the new administration use their powers, or whether the late General Court will be approved or condemned by the Conduct of the new. We have seen the Governor's Speech, and have also heard that Wm. Philips, Tufts & Dwight have declined going into the Council. Inform me if you have learnt who have been appointed to the Council, in their Room; & whether you have any information of Holten.

We hear nothing from N Hampshire, not even who is president.

Farewel,

R King

[P.S.] Milligan is here very snug w[ith] Madam ———.

RC (DLC: Miscellaneous Manuscripts).

Roger Alden to the Board of Treasury

Gentlemen

Office of Secy of Congress. June 18th. 1787

I am honored with your letter of the 16th and have the honor to enclose a copy of the report of the committee of commerce on the letter of July 15th, 1778 from Monsieur de Francey, mentioned in the Journals of Congress Augt. 1st, 1778.¹ The Act in consequence contains all

the powers given to the Commissioners in France, relative to the Accounts of Mr Ross, that I can find in the public or secret Journals of that Year.

I have the honor to be, with the greatest respect, Gentlemen, Your Most Obedt Humble servt.

FC (DNA: PCC, item 49). In the hand of Roger Alden.

¹ For the August 1, 1778, congressional resolve Alden enclosed, see *JCC*, 11:738–40. The board of treasury's June 16 letter to Alden requesting a copy of this resolve, which they had been unable to find because they mistakenly thought it was dated August 11, 1787, is in PCC, item 59, 3:127–30.

Nathaniel Gorham to Theophilus Parsons

Philadelphia, June 18, 1787. "It was with singular pleasure I saw your name¹ in the list of Representatives. I hope all the measures of your body will be dictated by the principles of honor and justice. Among the various subjects which will come before you, the requisition of Congress of the last year will undoubtedly be one. I hope you will excuse me for just suggesting to you, that I think it will be burdening the people to no essential purpose to comply with that requisition any further than applies to the cash part of it; not that I have any doubt of the justice and duty of paying the domestic debt; but it is in vain for Massachusetts alone to expect to support the public credit; for six or seven States have absolutely refused to comply with the one of the year before the last, and, of those who have complied in appearance, very few will make any effectual payments; and I presume there will not be any that will comply with the one that is now to be considered by you, excepting the cash part of it, and with that numbers will comply. In short, the present Federal Government seems near its exit; and whether we shall in the Convention be able to agree upon mending it, or forming and recommending a new one, is not certain. All agree, however, that much greater powers are necessary to be given, under some form or other. But the large States think the representation ought to be more in proportion to the magnitude of the States, and consequently more like a national government, while the smaller ones are for adhering to the present mode. We have hitherto considered the subject with great calmness and temper; and there are numbers of very able men in this body who all appear thoroughly alarmed with the present prospect. I do not know that I am at liberty to write anything on this subject. I shall therefore only observe further, that all agree the legislative and executive ought to be separate, and that there should be a national judiciary."

MS not found; reprinted from Theophilus Parsons, *Memoir of Theophilus Parsons, Chief Justice of the Supreme Judicial Court of Massachusetts* (Boston: Tichnor and Fields, 1859), pp. 461–62.

¹ Parsons was identified in these *Letters*, 20:143n.

James M. Varnum to George Washington

Sir

New York June 18th 1787

The enclosed address, of which I presume your excellency has received a duplicate, was returned to me, from N York, after my arrival in this State.¹ I flattered myself that our Legislature, which convened on Monday last, would have receded from the resolution therein referred to, and have complied with the recommendation of Congress in sending delegates to the Federal Convention. The Upper house or Governor & Council, embraced the measure, but it was negatived in the house of Assembly by a large majority, notwithstanding that the greatest exertions were made to support it.²

Being disappointed in their expectations, the minority in the administration and all the worthy citizens in the state, whose minds are well informed, regretting the peculiarities of their situation, place their fullest confidence in the wisdom and moderation of the national council, and indulge the warmest hopes of being favorably considered in their deliberations. From these deliberations they anticipate a political system which must finally be adopted & from which will result the safety, the honor and the happiness of the United States.

Permit me, sir, to observe, that the measures of our present Legislature do not exhibit the real character of the state. They are equally reprobated & abhorred by gentlemen of the learned professions, by the whole mercantile body, & by the most respectable farmers & mechanicks. The Majority of the administration are composed of a licentious body of men, destitute of education & many of them void of principle. From anarchy & confusion they derive a temporary consequence & this they endeavor to prolong by debauching the minds of the common people whose attention is wholly directed to the abolition of debts, public & private. With these are associated the disaffected of every description, particularly those who were unfriendly during the war. Their paper money system, founded in oppression & fraud, they are determined to support at every hazard; and rather than relinquish their favorite pursuit, they trample upon the most sacred obligations. As a proof of this they refused to comply with the requisition of Congress for repealing all laws repugnant to the treaty of peace with Great Britain; and urged as their principal reason, that it would [*be*] Calling in question the propriety of their former measure.

These may be attributed partly to the extreme freedom of our Constitution and partly to the want of energy in the federal Union; and it is greatly to be apprehended that they cannot be speedily removed, but by uncommon and very serious exertions. It is fortunate, however, that the wealth and resources of the state are chiefly in possession of the well effected, and that they are entirely devoted to the public good.

I have the honor to be, Sir, with the greatest veneration & esteem,
Your excellency's very obedient and most faithful servant,

J M Varnum

Tr (RH: Updike Papers). In a clerical hand, and endorsed: "Letter from James M Varnum of R Island to the President of the Convention, Inclosing the subjoined communication from certain citizens of R Island, to the Federal Convention."

¹ This address, dated "Providence, May 11, 1787," is in The Records of the Constitutional Convention of 1787, RG360, M866, DNA; and Farrand, *Records of the Federal Convention*, 3:18-19.

"Gentlemen, Since the Legislature of this State have finally declined sending Delegates to meet you in Convention for the purposes mentioned in the Resolve of Congress of the 21st February 1787, the Merchants, Tradesmen, and Others of this Place, deeply Affected with the evils of the present unhappy times, have thought proper to communicate in Writing their approbation of your Meeting, And their regret that it will fall short of a Complete representation of the Federal Union.

"The failure of this State was owing to the nonconcurrence of the Upper House of Assembly with a Vote passed in the Lower House, for Appointing Delegates to attend the said Convention, at their Session Holden at Newport, on the first Wednesday of the present Month.

"It is the general Opinion here, and we believe of the well informed throughout this State, that full power for the regulation of the Commerce of the United States, both foreign and Domestick, ought to be vested in the National Council. And that Effectual Arrangements should also be made for giving operation to the present powers of Congress in their Requisitions upon the States for National purposes.

"As the object of this Letter is chiefly to prevent any impressions unfavourable to the Commercial Interest of this State, from taking place in our Sister States, from the Circumstance of our being unrepresented in the present National Convention, we shall not presume to enter into any detail of the objects we hope your deliberations will embrace and provide for, being Convinced they will be such as have a Tendency to Strengthen the Union, to promote Commerce, increase the power, and Establish the Credit of the United States.

"The result of your deliberations tending to these desirable purposes, we still hope may finally be approved & adopted by this State; for which we pledge our Influence & best exertions. This will be delivered you by the Honourable James M. Varnum, Esquire, who will Communicate (with your permission) in person, more particularly our Sentiments on the Subject matter of our Address.

"In behalf of the Merchants, Tradesmen, &c, We have the Honour to be. . ."

It was signed by Jabez Bowen, Nicholas Brown, John Jenckes, Welcome Arnold, William Russell, Jeremiah Olney, William Barton, Thomas Lloyd Halsey, John Brown, Joseph Nighthingale, Levi Hall, Philip Allen, and Paul Allen.

² For a discussion of "Rhode Island's alienation from the Union" at this time and the meaning of its refusal to send delegates to the Constitutional Convention, see Polishook, *Rhode Island and the Union*, pp. 182-89. The state was also unrepresented in Congress, although a single delegate was present on a few occasions, from April 26, 1787, to June 2, 1788. See the Appendixes of this and the following volume of these *Letters*.

Nathan Dane to Rufus King

Dear Sir.

New York June 19th. 1787

I fully agree to the propriety of the Conventions order restraining its members from communicating it's doings—tho' I feel a Strong desire and curiosity to know how it proceeds. I think the public never ought to see any thing but the final report of the Convention, the digested result only, of their deliberations and enquiries. Whether the plans of Southern, Eastern, or middle States succeed, never, in my opinion, ought to be know[n]. A few reflections on this subject lead me to doubt whether one of your members, Mr. P——,¹ who two or three days since, returned to this City fully understood the true meaning, full and Just extent of the order not to communicate, &c.

I have received no information from Massa. of any importance lately. I believe the new legislature, as yet has done but very little business—they put good men, in General, into the Senate, and from this circumstance my expectations were a little raised—but in filling up the three vacancies made in the Council by Phillips, Tufts and Dwight's declining, the legislature, by appointing Hutchinson, Peter Penniman and John Frost to those vacancies certainly gave no evidence of good politics and views.² Penniman and Frost I am not acquainted with; but H—— is an unwearied advocate for paper money, tender laws &c, &c. Had he been of the Legislature many might think it policy to put him into the Council, but he was elected from among the people at large, and after the members too had had time to know men and parties in some measure. My friends I find agree that there is a good Senate, but they all seem to be doubtful on which side a majority of the House in numbers may be. By the inclosed paper you will see that Govr. Hancock the 5th inst. proposed to the Legisa. to continue in the service of the State 800 men. The Senate immedy. adopted the measure 20 agt. 6. The House had it under consideration, several days, & it seems wished to make it a part of a conciliatory plan. What are the contents of this conciliatory plan I do not know—nor do I think that the true sentiments of the House can, at all, be collected from their unanimous adoption of Jarvis's motion in the inclosed paper. This motion appears to me to be a mighty general unmeaning something. I suppose no party denies such general truths and positions. I have not heard a word from Dr. Holten himself. I received letters from several of the members of the Legislature dated about the first of this month; all of which informed me, that he proposed, in two or three days from that time, to set out for N York—that he was then well and in the legislature.

I have written to him on the subject of his attending,³ &c. and may expect an answer by the next post. Was he present I suppose we

should have a Congress—but members now present talk of going away immedy. and I think there is no great probability of Congress doing any business worth a naming till August or Sepr.

No person was chosen presidt by [the] people in New Hampshire. Langdon had about 3600 votes, & Sullivan about 2800. Livermore about 500. I have not learnt which of them the General Court appointed.⁴

Your affect. freind,

N. Dane

RC (NHi: King Papers).

¹ That is, Georgia delegate William Pierce.

² For the Massachusetts General Court's selection of Israel Hutchinson, Peter Penniman, and John Frost as councillors in the place of William Phillips, Cotton Tufts, and Elijah Dwight, who had declined, see "Journal of the House of Representatives of the Commonwealth of Massachusetts, commencing Wednesday 30 May 1787," DLC(ESR), pp. 29, 32–33.

³ See Dane to Samuel Holten, June 7.

⁴ John Langdon received 4,034 and John Sullivan 3,642 of 9,289 votes cast, but the New Hampshire Senate, with whom the choice rested, reelected Sullivan president. See Lawrence S. Mayo, *John Langdon of New Hampshire* (1937; reprint ed., Port Washington, N.Y.: Kennikat Press, 1970), p. 196.

Roger Alden to Arthur Lee

Sir

Office of Secy of Congress, June 20th 1787

I have the honor to enclose copies of the papers returned to this Office by Capt Barry in consequence of the order of Congress of July 15th, 1782.¹ The papers of which I informed You yesterday, were enclosed in a letter to the President, with the original from Capt Wm. Robeson²—but upon farther examination I have found the attested copies transmitted to the Secretary.³

I have the honor to be, Your Most Obedt. Humble Servant,
R Alden

FC (DNA: PCC, item 49). In the hand of Roger Alden. Endorsed: "To Honble Arthur Lee Esqr. with certified copies of the papers transmitted by Capt Barry Augt. 1782, respecting the loss of the frigate Marquis Lafayette."

¹ For this order, see *JCC*, 22:386–88.

² These two documents, John Barry's letter to the president of Congress of "July 1782" and William Robeson's letter to Barry of January 22, 1782, are in PCC, item 78, 4:307–12.

³ These copies, which were attested by John Barry and enclosed in his letter to the president of Congress, are at *ibid.*, 4:315, 321–34.

John Armstrong, Jr. to William Irvine

Dear Sir,

New York 20th. June 1787.

Your letter of the 5th reached me yesterday. The reports on the business of moving Congress are founded. A second attempt was made but with the same want of Success as the first. Another Peleg interposed his Veto & here we are & I believe must remain during the present Political Year. This other Traitor to himself & Us was a Mr. Scurman of Jersey.¹

I'm glad to find you at liberty to return—to your several questions on that point I answer—1st. that I am now the only Delegate from Pennsylvania, Meredith having gone home about a fortnight since.²

2d. We have now a prospect of very suddenly making a Congress. No adjournment can or will take place. 'Tis held to be particularly necessary that we should remain together during the session of the Convention. An adjournment at the present moment would look illy & bear a construction which ought to be stifled or excluded, Viz. an abandonment of the government under its present shape.

& 3. Abstractedly from these considerations—there is business of much moment to be done. The requisitions—government of the Western Country &c &c are hanging in the Air, & must drop entirely if not soon taken up & decided upon. These facts will no doubt determine You to come forward. The sooner perhaps the better—as it is not probable that our Philadelphia Colleagues will at this time feel themselves much disposed to leave home.

I enclose the papers of the day. They contain all the news of this City.

My compliments to Mrs. Irvine. I am, with much respect, Your very Obedient friend & servt.,

John Armstrong jr.

RC (PHi: Irvine Papers). Addressed: "The Hon. William Irvine, Carlisle."

¹ That is, James Schureman of New Jersey had refused to join his colleague Abraham Clark in support of a May 10 motion to adjourn Congress to Philadelphia, just as Peleg Arnold of Rhode Island had been responsible for the failure of a similar motion on April 10–11. See Rufus King to Elbridge Gerry, and James Madison's Notes of Debates, April 11; and *JCC*, 32:280–81.

² Samuel Meredith last attended May 31, ending Pennsylvania's representation until Irvine returned to his seat in Congress July 17. See Appendix; and *JCC*, 32:294, 350–51.

William Grayson to William Irvine

D Sir

N York June 20th. 1787.

I should have wrote to you long since, but We have done so little since your departure, that I could have scarcely found materials for a letter, the object of this is to request your attendance in Congress; Since the Convention met we have not had even a house; last night Doctr. Holten arrived, from Massachuzets and there are now present delegations from N Jersey, N. York, Massachuzets, Virga. & So. Carolina; I have this moment wrote to Blount & Hawkins¹ to return according to promise: to that there is every reason to conclude there will be immediately a Congress & when once we get under way, I think we shall soon be joined by Maryland & Delawar & very probably by some of the Eastern States. As the making a Congress under the present aspect of things, is highly important, & as there are several matters of capital consequence which ought to be done in the present year, I hope you will think this information worthy your attention. It is probable that the President may return,² but I have strong reasons to wish you to be here. I have this day wrote Mr. Bingham³ stating to him the situation of things.

I remain, with sincere regard, yr. Most Obed serv,

Willm. Grayson

RC (PHi: Irvine Papers).

¹ Not found.

² Arthur St. Clair had been absent since May 10. See *JCC*, 32:287.

³ Not found.

William Blount to John Gray Blount

Philadelphia June 21st. 1787

Hawkins & myself arrived here on the 19th, he now purposes to leave this on Thursday on board a ship for Petersburg. I am not at Liberty to say what is doing in Convention and if I was the Business is so much in Embryo that I could say nothing that would be in the least satisfactory. All the Members agree that the Convention will set at least six Weekes, and it is generally supposed 8 or 10 from this Time, hence the Necessity for more Mony to be remitted to me. Since my arrival I am favoured with your's by Mr. Mackie.

Your's,

Wm. Blount

RC (Nc-Ar: Blount Papers).

Nathan Dane to Nathaniel Gorham

Dear Sir.

New York June 22. 1787

The inclosed paper I believe contains all that has been done of any importance by the General Court during their present Session. I imagine the Yeas & nays as they stand on the resolve of the 13th are true evidence of the disposition of the House¹—those in the negative argued that the troops were unnecessary—probably they thought so—but I think you will not be at a loss to discover the principle on which they acted and formed their opinions when you shall cast your eye upon the accurate division of *men*—men on the one hand that have been for years steady in support of Government &c—on the other men who for years have opposed taxes, proposed paper money, tender laws, &c.

Dr. Holten has arrived—and I wish the officers of Congress and members not engaged in the Convention would return to New York. I do not know how it may be in the Southern States—but, I assure you, the present State of Congress has a very disagreeable effect in the Eastern States. The people hear of a Convention in Philada. and that Congress is done sitting, &c. Many of them are told, it seems, that Congress will never meet again probably—Dr. H. says he saw several sober men who had got an idea that the people were to be called on to take arms to carry into effect immediately the report of the Convention &c. I see no help for men's being so absurd & distracted—but these things have a pernicious effect on the industry, peace, & habits of the people. Are not the printers imprudent to publish so many contradictory pieces about the proceedings of your body which must be mere conjecture? You know many people always believe all they see in the new papers without the least examination. It appears to me that Congress at this time especially ought to be together & doing business as usual, and if we mean to avoid convulsions those appearances which to the unthinking look so much like abandoning the established Government ought not to be suffered to take place. To be here idle in the present situation of things is become extremely painful and I hope you will [use] your influence with Mr. Meredith, Hawkins, &c, &c to return to Congress.

Your affecte. friend,

N. Dane

RC (MHi; Washburn Collection).

¹ This vote was on "the resolve reported by the Committee appointed to consider the expediency of repealing the disqualifying act & for raising a number of troops not exceeding eight hundred nor less than five hundred men to be stationed in the western counties, and for pardoning all persons concerned in the late [*Shays*] rebellion excepting as therein mentioned," which was adopted 108 to 100. See "Journal of the House of Representatives of the Commonwealth of Massachusetts, commencing Wednesday 30 May 1787," DLC(ESR), pp. 60–63.

Samuel Holten to James Boyd

Sir,

New York 23d June, 1787.

I have conversed with Mr. Dane respecting your affairs,¹ & he informs me, Congress have had no information from Mr. Adams, more than, that he had made the British ministry acquainted with his instructions, respecting the settlement of the western line;² & that Mr. Dane's letter to you³ contains his sentiments upon your affairs, & to which I must ask leave to refer you; and 'tho' it would give me *sensible* pleasure to be able to afford you immediate assistance, yet, I think it not likely, that there will be any particular resolution of Congress in your favor, untill they have further information from Mr. Adams, respecting the settlement of the s[ai]d line, for if they were to make a Grant in your favor, it might be construed, as considering your claim without the line of the United States: however, you may be assured of my further attention to the same as it would give me pleasure to render you services.

I remain, with great respect your most obedient servant

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ Holten had just returned to his seat in Congress on June 21. *JCC*, 32:296.

² Boyd (1736–98) had settled at Passamaquoddy, Me., from Scotland during the 1760s, developed a scheme for supplying settlers which failed, and received a grant of 1,000 acres near Passamaquoddy Bay through the government of Nova Scotia. At the outbreak of the American Revolution he supported the American cause and moved to Boston, and following the return of peace attempted to reclaim his land only to find it occupied by "British Subjects," although located "on the western Side of the River St. Croix" and therefore within the United States according to the Treaty of Paris. As his claim rested upon an interpretation of the treaty, however, Boyd's case could not be settled until Britain and the United States reached agreement on a number of treaty related issues which John Adams in September 1785 had been instructed to submit to the British government, for which see these *Letters*, 22:642n.1. Accordingly, no action could be taken at this time, and Boyd eventually resubmitted his case to the new federal Congress on November 27, 1789, for which see Washington, *Papers* (Abbot), Presidential Series (Twohig), 4:328–30.

³ Nathan Dane's letter to Boyd has not been found.

Rufus King to Alexander Hodgdon

Sir

Philadelphia 24 June 1787.

You must be sensible from the State of my account with the Treasury that I have a much larger demand for arrears of pay than either of my colleagues. I have made it a rule to forbear my importunities on this Subject as long as possible. My present situation exposes me to heavy expenses, and I cannot but think that you will unite with me in Opinion that my claims are not behind those of any person who has a

Demand on the Treasury. I took an order some months since, or a note of the late Treasurer's, for 100£. I sold it for 90£. I cannot think of suffering so great a loss of my wages in future. I pray you to inform me When you will authorise me to draw on you for 200£—a much larger sum is due to me but I shall be content to wait some Time for the balance.

With great respect I am Sir, you[r] Ob. & very Humble Sevt.,
Rufus King

RC (PHi: Dreer, Federal Convention Collection). Addressed: "Alexander Hodgden Esqr, Treasurer of Massachusetts, Boston."

William Grayson to Beverley Randolph

Sir

New York June 25th. 1787.

I have the honor of acknowledging your letter of June 6th with the extracts of letters from the district of Kentucky & the proceedings of the Executive thereon,¹ & I entirely concur with you on the propriety of the State's calling upon Congress either to exert the foederal force, in defense of her frontiers or to enable her at the expence of the Union to defend her citizens in such manner, as may be most likely to ensure success. The misfortune is that there is no Congress at present to whom the application can be made; & if there was, I doubt much whether there would be a disposition in that body to incur any great expence for the security of an individual State. There are so many States who are protected (by their situation) from the depredations of the Indians, that if we judge from their conduct on Governor Henry's application last year, efficient measures in this respect are hardly to be expected.² On that occasion after every exertion of the delegation, only two companies were procured, & these were directed by the Secretary at war to act on the defensive; & As to the expenditures made by the State; I doubt whether ever a shilling will be allowed. I shall be happy however to find myself mistaken in my conjectures.

I have the honor to be, with the highest respect, Yr. Most Obed serv.,
Willm. Grayson.

RC (Vi: Continental Congress Papers).

¹ Receipt of Lt. Gov. Randolph's June 6 letter, which was quickly followed by letters of the 15th and 18th (for which see Grayson to Randolph, June 27), heightened growing fear in Congress of an Indian war that would affect the entire western frontier. With Randolph's letters were numerous enclosures which included inflammatory reports from colonels Alexander Bullitt, Benjamin Logan, and Levi Todd, the county lieutenants of Jefferson, Lincoln, and Fayette counties in Kentucky, recounting raids by Cherokee, Shawnee, and Wabash Indians as part of, in Bullitt's words, "an Active offensive War against this Country." Col. David Shepherd reported similar conditions in

Ohio, where guns and powder were in extremely short supply. From his talks with tribal leaders, Col. Joseph Martin was able to confirm reports enclosed with Randolph's letter of June 2 (for which see Grayson to Randolph, June 12, note 1), citing increasing discontent among the Cherokees, Chickasaws, Choctaws, and northern Creeks in the Washington district of North Carolina over settlement by the Franklinites on lands reserved to the Indians, and emphasizing their threats to league with the Spanish. On June 5 the Virginia Council directed that these documents be laid before Congress and ordered the Kentucky militia to organize. When Congress finally achieved a quorum, Randolph's letters with their enclosures were read July 6 and referred to the secretary at war to report. That day Congress also referred to General Knox a lengthy May 3 letter from former delegate John Cleves Symmes at the falls of the Ohio River reporting Shawnee and Wabash raids, but exonerating the Delaware and Wyandot. He recommended sending more federal troops to garrison new posts along the river. And Knox further received an assessment from Lt. Col. Josiah Harmar of conditions from his post at Muskingum to the falls. Harmar reported an increasing influx of new settlers—nearly 3,000 since October 1786—who were exerting great pressure on Indian lands. He also recommended stationing federal troops, along with four companies of Kentucky riflemen, at the mouths of the Great Miami and Wabash rivers to awe the Indians and secure the frontier. See *JCC*, 32:307n.3; and *PCC*, item 56, fols. 197–200, 205–7, item 71, 2:535–72, item 150, 2:359–68, item 190, fol. 150.

In an extensive report read in Congress July 11, Knox flatly asserted that both whites and Indians were equally responsible for depredations on the frontier and that "deep rooted prejudices, and malignity of heart . . . will ever prevent their being good neighbours. The one side anxiously defend their lands which the other avariciously claim. . . . Either one or the other party must remove to a greater distance, or Government must keep them both in awe by a strong hand, and compel them to be moderate and just." Adequate protection of western settlers would require 1,500 men in a new chain of posts from Fort Pitt to Lake Erie to the mouth of the Ohio River and back to Fort Pitt. Given "the depressed state of the finances," however, Knox was compelled to recommend the expediency of utilizing the 500 troops then in service more effectively and negotiating a new treaty with the Indians at Vincennes. Should that fail, the existing federal troops, together with 1,500 militiamen from the frontier counties of Pennsylvania and Virginia, should attack the Indians and "expel them from their towns or extirpate them," although he warned that "an Indian war of any considerable extent and duration would most exceedingly distress the United States." See *JCC*, 32:327–32.

On July 18 Congress referred Knox's sobering report to a committee consisting of Edward Carrington, Nathan Dane, Benjamin Hawkins, John Kean, and Melancton Smith whose July 19 report was heavily debated through the 21st when Congress adopted the first in a series of July–October resolutions intended to slow westward migration and appease the Indians, especially until the seven northwest ranges were fully surveyed. In this instance, Congress resolved to hold a treaty with the Indians at Vincennes where their complaints would be heard and the causes of their quarrels with the settlers fairly determined. A treaty of peace and friendship would then be concluded provided that it was "consistent with the honor and dignity of the United States." Congress ordered Knox to station federal troops advantageously to prevent further depredations and intrusions on federal lands, and requested Virginia to hold 1,000 Kentucky militiamen in reserve in case of further hostilities. See *JCC*, 32:369n.1, 370–76, 33:385–87; Charles Thomson to Randolph, July 23; and Reginald Horsman, *Expansion and American Indian Policy, 1783–1812* (East Lansing: Michigan State University Press, 1967), pp. 35–42. See also James Madison to Edmund Randolph, October 7, note 6.

² For Patrick Henry's "application" of May 16, 1786, see Grayson to James Madison, May 28, 1786, note 7; and Charles Thomson to Henry, July 3, 1786.

Charles Thomson to William Bingham

Dear Sir,

New York June 25. 1787

On my arrival here I had the pleasure to find five States represented namely Massachusetts, New-York, New Jersey, Virginia and South Carolina¹ and that the attendance of Pennsylvania & North Carolina would form a Congress. As I think it of great importance to the honor and safety of the Confederacy that Congress should be in session and the form at least of government kept up in the present situation of affairs, and as the delegates for North Carolina are now in Philadelphia and as one of them assured me will return immediately as soon as they know their attendance is necessary to form a house I have written to them² and entreat your attendance as speedily as possible. You cannot imagine what an alarm the secession of the Members from Congress at this crisis has spread through the eastern states. Were I to hazard an Opinion it would be that the peace of the Union & the happy termination of the measures of the Convention depend on the meeting & continuance of Congress & keeping up the form of government until the New plan is ready for Adoption. I have given similar information to Mr Meredith & have written to you both in Confidence.³ If the President is returned I beg you will press him to come on immediately.⁴

I am with sincere esteem & regard, Dear Sir, your obedt humble Servt,
Cha Thomson

RC (PHi: Gratz Collection). Addressed: "The honble William Bingham, Delegate for Pennsylvania, Philadelphia."

¹ Actually, only four states. Cf. *JCC*, 32:296-97.

² Not found.

³ Not found.

⁴ That is, Arthur St. Clair, for whom see St. Clair to Thomson, May 18.

William Grayson to Beverley Randolph

Sir

New York June 27th. 1787

Your letters of June 15th & 18th with their inclosures, were recieved yesterday,¹ and I have only to lament that there is not at present a Congress, to whom the unhappy situation of the Western frontiers can be made know'n; In consequence of your former letter every step has been taken to procure a meeting of the States; at present there are only at this place representations from Massachusetts, New York, Jer-

sey, Virga. & So. Carolina; as soon as a sufficient number of States shall have assembled you may rely that every exertion will be made by the delegation to advance the wishes of the Executive. In the mean time your letter of June 18th Shall be laid before the Secy. at War ie as soon as he returns from Philada. & you shall witht. delay be made acquainted with the result of our application.

I have the honor to be, with the highest respect, Sir, Yr. Most Obed serv,
Willm. Grayson

RC (Vi: Continental Congress Papers).

¹ For these letters and the action taken on them, see PCC, item 71, 2:543–52; and Grayson to Randolph, June 25, note 1.

William Samuel Johnson to Samuel William Johnson

Philadelphia, 27th June, 1787. "I am here attending with Mr. Shearman & Mr. Elsworth as delegates on the part of Connecticut, a grand Convention of the United States for the purpose of strengthening & consolidating the Union, & proposing a more efficient Mode of Government than that contained in the Articles of Confederation. We have Delegates from Eleven States actually Assembled, consisting of many of the most able Men in America, with General Washington at our Head, whom we have appointed President of the Convention. It is agreed that for the present our Deliberations shall be kept secret, so that I can only tell you that much Information & Eloquence has been displayed in the introductory Speeches, & that we have hitherto preserved great temperance, candour, & moderation in Debate, & evinced much solicitude for the public Weal. Yet, as was to be expected, there is great diversity of sentiment, which renders it impossible to determine what will be the result of our Deliberations."

RC (CtHi: Johnson Papers).

William Pierce to St. George Tucker

Philadelphia, June 27th. 1787. "I wish it was in my power to give you some information respecting the proceedings of the Convention, but we are enjoined to secrecy, I dare not say any thing.

"You may suppose that where there are a variety of interests, there will be a variety of projects. Nothing can conquer the force of local

habits; some are for one thing, and some for another, but I believe we shall ultimately agree on one sort of Government.

"Burlimaqui relates a circumstance which he has borrowed from Herodotus, that is a good deal in the style of our various sentiments. On the death of Cambyses of Persia there was an attempt made to re-establish the Government, and to effect the punishment of the Magus who had usurped the Throne as a descendant from Cyrus. A question was proposed in the Council of the seven chiefs; of this sort, what is the best kind of Government for the present state of Persia? One was of opinion that Persia ought to be a Republic; another was of opinion that it ought to be a strong aristocracy, and a third (who I think was Darius) was convinced that no other Government would suit it but a Monarchy.¹

"I pray you not from this story to conclude that we are to have a Monarchy, I relate it merely to give you some idea of the various opinions which we have sometimes started."

RC (ViW: Tucker-Coleman Papers).

¹ Two of the principal works by Jean Jacques Burlamaqui (1694–1748), who had been professor of natural and civil law at Geneva, were published posthumously as *Principes du droit politique* (1751) and *Principes du droit naturel* (1756) and were subsequently translated and issued in several editions. For the passage described by Pierce, see, for example, *The Principles of Natural and Politic Law*, 2 vols. (London: J. Nourse, 1763), 2:82–86.

William Blount to John Gray Blount

Philadelphia June 28th 1787. "I am not at Liberty to say what is done or doing in Convention but I can say things are so much in Embryo that I could give you no Satisfactory account if I was ever so much at Liberty. It is generally supposed the Convention will continue to sit for 2 Months at least."

RC (Nc-Ar: Blount Papers).

Charles Thomson's Memorandum Book

June 29th, 1787

Transmitted to the Office for foreign Affairs—to be filed

Letters from Mr Jay¹—

Decr. 20th, 22d, two of 25th, 26th, & 27th 1779

Sept. 16th dupl. 1780

Letters from Wm. Lee

Octr. 7th, 1777, dupl. April 12th.	1780 ²
from Dr. Franklin—March 16th	1780 ³
April 12th	1785 ⁴

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, May 2, 1787.

¹ Transcript of these letters are in PCC, item 110, 1:189–90, 3:17–28.

² Lee's October 7, 1777, letter to Pres. John Hancock is in PCC, item 90, fols. 386–88. No letter of April 12, 1780, from Lee is in the PCC, but for one of April 13 to Charles W. F. Dumas, see item 101, fol. 19.

³ Two letters of this date from Benjamin Franklin, to James Lovell and to Pres. Samuel Huntington, are in PCC, item 82, 1:219, 227–29.

⁴ A transcript of this letter is in PCC, item 100, 2:255–56.

Charles Thomson to the States

Sir, (Circular) Office of Secy of Congress, July 2. 1787

An absence with which Congress was pleased to indulge me in the beginning of May¹ for the transaction of some private business having interrupted the regular monthly returns, I have now the honor of transmitting to your Exy. a state of the representation in Congress for the Months of April, May and June.²

I send also herewith enclosed an Act of the 3 May repealing the requisition of the 21 Oct last;³ An Ordinance for settling the accounts between the United States and individual States passed the 7 of May;⁴ and two copies of the Jour[nals] from the first Monday in Novr. to the 10 May inclusive, one for the legislative & the other for the executive branch of Government.

With the highest esteem & respect, I have the honor to be, Your Exy's Most Obedt & Most h Sr, CT

LB (DNA: PCC, item 18B).

¹ See Roger Alden to William Samuel Johnson, May 13, note 1.

² For these three enclosures and the eight other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

³ See *JCC*, 32:252–53. For the special requisition that was repealed, which had been adopted October 20 (not 21) 1786 to finance the 1,340 troops authorized to put down Shays' Rebellion, see Charles Thomson to the States (2d letter), October 21, 1786.

⁴ *JCC*, 32:262–66.

John Kean to John Jay

Dear Sir

New York July 3d. 1787.

I find Mr. Adams's last letters contain information of consequence

relative to our State, which cannot be communicated too quickly to prevent similar mischief.

Congress not being assembled no order can be made about them—but not being of a political or general nature, but being merely information I should conceive they might be allowed to be transmitted without an order. If you join me in opinion I shall be much obliged to you for extracts from them relative to the attempt of counterfeiting & the person attempting to lay before our Executive.¹

I am, with great respect, Dear Sir, Yr. most Obt & Very hum Servt,
John Kean²

RC (DNA: PCC, item 78).

¹ Jay accordingly sent the following circular letter to the states this day. "The Paper herewith inclosed contains Extracts from Letters which I received yesterday from the Honble Mr. Adams. The nature of the Information they convey is such that I think it my Duty to transmit it to your Excellency without waiting for an opportunity of previously communicating it to Congress, who for many weeks past have not been able to make a House." PCC, item 120, 3:225. For the enclosed "Extracts," from letters from John Adams to Jay of April 10 and 30, enclosing letters to him from Walter Mowbray and Thomas Wren disclosing the details of a plot hatched in London to counterfeit the currency of North and South Carolina, see *N.C. State Records*, 20:661–66. Adams' letters are in PCC, item 84, 6:439–42, 447–59; and *Diplomatic Correspondence, 1783–89*, 2:738–41.

² Kean also wrote the following brief letter to the treasury commissioners of South Carolina on July 2. "Gentlemen, One month after sight pay to Mr. Alexander Chisolm or order Sixty eight pounds fourteen shillings Sterling money of South Carolina—being the further amount of my acct. of losses &ca on remitting my Salary as Delegate in Congress for the year 1786." The letter is endorsed by Chisolm: "Please pay the contents to Mr Adam Fenno or Order." John Kean Collection, ICHI.

Nathan Dane to Rufus King

Dear Sir,

New York July 5. 1787.

The inclosed contains the best statement in my power to make relative to the subjects you mention. I suppose it is very imperfect as to many of the State debts—whatever further I can collect relative to these subjects I will transmit to you.¹

We yesterday formed a Congress of seven States and elected Grayson chairman.² Today we had no Congress owing to the inattention of two or three members—we expect Connecticut and Pennsylvania here in a few days.

We have various letters touching the hostile conduct of the Indians as usual.

From our ministers we have letters as late as the 20th of May, but nothing of any kind of importance.³

The Legislature of Massa. I believe has done as yet but very little business—every thing done of any Consequence you have, probably, seen published in the New York papers, or may see in the inclosed papers.

I am very sorry to hear you say that it is uncertain what will be the result of the Convention—because I infer there must be a great diversity of Sentiments among the members. The Convention must do something—its meeting has all those effects which we and others who did not fully discern the propriety of the measure apprehended. You know the general opinion is, that our Federal Constitution must be mended, and if the Convention do not agree, at least in some amendments, a universal despair of our keeping together will take place. It seems to be agreed here that the Virginia plan was admitted to come upon the floor of investigation, by way of experiment, and with a few yieldings on this point & that keeps its ground at present. The contents of this plan was known to some, I believe, before the convention met. Perhaps the public mind will be prepared in a few years to receive this new System—however I leave the whole to the wisdom of the Convention & remain, Your's Sincerely,

N. Dane

P.S. Several concerns makes it highly important to me to make a short visit to Massa. sometime in this month or early in the next. I wish you would inform me whether there is any prospect that either of you will be able probably to attend Congress.

What is best for us to do about procuring an attendance of the Eastern States & to renew the subject of the S. treaty.

RC (NH: King Papers).

¹ Enclosure not identified, but much of the same information may be contained in the "General Account of Receipts and Expenditures of the United States" prepared by the Continental Register, Joseph Nourse, for the first two quarters of 1787 (PCC, item 141, 1:329–31, 2:119–21), and his parallel "Schedule of Requisitions on the several States" (*ibid.*, 1:153, 2:124). See also *JCC*, 32:305.

² See *JCC*, 32:297.

³ Cf. *JCC*, 32:306–7.

William Grayson to Beverley Randolph

Sir.

New York July 7th. 1787.

Yesterday there was a Congress of seven States. Your communications respecting Indian affairs were laid before them, & were referred to the Secretary at war for report.¹ This may be expected in a day or two. Your letter on the subject of the disturbances in the back parts of No. Carolina has also been presented to their view,² but no steps have been yet taken thereon; Indeed it is very difficult to get any thing done with so thin a representation.

I have the honor to be, with the highest respect, Yr. Most Obedt &
very hhhle servt, Willm. Grayson.

RC (Vi: Continental Congress Papers).

¹ See Grayson to Randolph, June 25, note 1.

² See Grayson to Randolph, June 12, note 1.

Charles Thomson to Thomas Hutchins

Sir, Office of Secy of Congress, July 7. 1787

Your letter of the 25 June intimating your intention to set out on the business of running a line between the states of Massachusetts & New York, for which Congress had been pleased to nominate you a commissioner and soliciting the indulgence of Congress to be absent about 6 Weeks for this purpose, has been duly received and Communicated to the United States in Congress Assembled, and I have the honour to inform you that Congress have been pleased to indulge you with leave of absence for six weeks for the purpose mentioned in your letter.¹

With great respect, I am, Sr, Your obedt humble serv, CT

LB (DNA: PCC, item 18B). Addressed: "Thomas Hutchins Esqr, Geographer of the United States."

¹ Hutchins' June 25 letter, which was endorsed by Thomson "Read 6 July 1787, Leave of absence granted," is in PCC, item 60, fols. 185-88. There is no mention of the matter in Secretary Thomson's journals.

Charles Thomson to Certain States

Sir, Office of Secy of Congress, July 7. 1787

I have the pleasure to inform your Exy that since my last, seven states have assembled¹ but as your State is still unrepresented in Congress I have it in Command to request that your Exy will be pleased in the most effectual way to urge the immediate attendance of your delegates as business of the greatest importance is neglected through their non attendance.

With the greatest respect, I have the honor to be, Your Exy's Most obedt & Most humble Serv, CT

LB (DNA: PCC, item 18B). Addressed: "His Exy The governor of N[ew] H[ampshire], R[hode] I[sland], C[onnecticut], P[ennsylvania], D[elaware], M[aryland]."

¹ That is, Congress finally convened a quorum on July 4 for the first time since May 11. See *JCC*, 32:292-97.

Charles Thomson to William Bingham

Dear Sir

New York 8 July 1787

I am very sorry that any thing should intervene to prevent your attendance in Congress. Seven states assembled on Wednesday last & yesterday the Congress directed me to write to the executives of the states unrepresented & request them to urge the immediate attendance of their delegates as business of the greatest importance is neglected through their non attendance. I hope if you cannot come yourself that you will hasten on some of your Colleagues. I cannot account for the absence of the president.¹ It has I assure you given a good deal of offence. If I knew where to direct a letter to him I would take the liberty to write and urge him to come on as speedily as possible.

With much esteem & affection, I am, Dr. Sir, Your friend & humble Servt,

Cha Thomson

RC (PHi: Gratz Collection).

¹ That is, Arthur St. Clair, who had taken leave from the presidency, for which see St. Clair to Thomson, May 18.

William Blount to Richard Caswell

Sir,

New York July 10th. 1787.

On the 18th June Mr. Hawkins & myself left this for Philadelphia, on my arrival I took my seat in Convention and he agreed for his passage to Pertersburg, after having been there a few days, we received a Letter from Charles Thomson informing us that our presence would Compleate Seven States in Congress and that a Congress was absolutely Necessary for the great purpose of the Union. Whereupon we returned here on the 4th Instant and formed a Congress and we Consider ourselves bound to Continue untill Some other State comes up of which we are in hourly Expectation and then I shall proceed to the Convention and he will return home.

I conceived it more for the benefit and honor of the state in which Opinion my Colleagues in the Convention agreed to return with Mr. Hawkins and represent the State in Congress than to Continue in the Convention especially as my Colleagues in that Body were Generally unanimous and Competent to the purposes of their Mission: in this

Instance I hope my Conduct will meet the Aprobation of Your Excellency and my fellow Citizens. I have the honor to be, Your most Obed. & very Humil. Servant,

Wm. Blount.

Tr (Nc-Ar: Governors' Letterbooks).

Benjamin Hawkins to Richard Caswell

Dear Sir

New-York the 10th July 1787

I wrote to your Excellency in June,¹ and informed you of my intention, to return to North Carolina immediately on the arrival of Mr. Burton: And accordingly I sat out as early as practicable by the way of Philadelphia.

Mr. Ashe & Mr. Burton having thought proper to return to North Carolina, for reasons which they did assign to you, the State for a short period was unrepresented.

It being of great importance to the Union at this time particularly, that Congress should be and continue in session, the members present and the secretary wrote after me and Mr. Blount and requested our return. The letters reached me on the eve of my departure for Virginia, and although I had but scanty means of support, having not drawn on the public resources and my own being nearly exhausted yet I determined to return induced thereto in a great measure From a hope of being able to procure some aid from the Union towards the protection of our Western Citizens, and of securing and preserving our right to the free and common use of the navigation of the Mississippi. The first we find to be impracticable from the want of information, and, our having but seven States represented in Congress. But the latter, which is very interesting to the Western citizens of the southern States, as it regards their peace and welfare, has at length, from a variety of circumstances unnecessary as well perhaps as improper to relate, been put in a better situation than heretofore.

As soon as another State shall arrive, And in the expectation of the return of Mr. Ashe & Burton agreeable with their promise, I shall set again for North Carolina and Mr. Blount to the Convention in Philadelphia.

The Secretary for foreign affairs will send you some information from Mr. Adams, of an attempt to counterfeit our currency in Great-Britain.² With that Kingdom we have no prospects of a commercial Treaty.³

It may be deemed unnecessary and important in me to say (although I concur in opinion, with the most respectable of our citizens) that it is indispensably necessary for the well-being of the Southern

States, that they should keep up respectable representations in Congress untill their *rights* are *perfectly* secured.

I have the honor to be, with great & sincere esteem, D Sir, Yr. Excellency Most obt Servt.,
Benjamin Hawkins

RC (DLC: Miscellaneous Manuscripts). RC (NjMoHP: Lloyd W. Smith Collection). The first four manuscript pages of this letter are at DLC; the final page with Hawkins' signature is at NjMoHP.

¹ Not found; but see Hawkins to John Gray Blount, June 5.

² See John Kean to John Jay, July 3.

³ Remainder of text from NjMoHP manuscript.

Rufus King to Nathan Dane

Dr. Sir,

Philadelphia 11 July 1787

I thank you for your letter by Monday's post.¹ The period of the separation of the convention is as uncertain as when they first assembled. I hope they will agree in some just & reasonable reform of the Articles of Union. But you are too well acquainted with the situation of our Country not to be sensible that there are a variety of considerations which will operate against an unanimity in the Opinions of the Delegates of the several states—perhaps however they may unite in their Judgments. I am restrained from communicating the proceedings of the Convention, but you are not under a similar Restraint relative to the Acts of Congress, I therefore hope you will tell me what you are about.²

Among other objects before you, the acts or Resolutions describing the states to be erected beyond the Ohio, ought to come under your revision—you know that it has always been my Opinion that the Terms on which these new states are to come into the Union are unequal, and if continued will prove very inconvenient. The Time approaches when the Lands within one of those States will be sold, and the Terms, as applying to the same, of her coming into the Union will consequently be fixed, unless Congress shall previously alter them. I intreat you to attend to this subject.

Farewel,

R King³

[P.S.] How do you like your Colleagues for next year?

RC (MBNEH: John Wingate Thornton Collection).

¹ See Dane to King, July 5.

² See Dane to King, July 16.

³ King also wrote the following letter to the secretary at war Henry Knox this date: "I wish it was in my power to inform you that we had progressed a single step since you left us. I say progressed, this expression must be defined by my own particular Creed, which you are very well acquainted with. I can form no conjecture of the Report, or separa-

tion, of the convention. If I had returned to N—Yk with you or with our very able and sagacious Friend Hamilton, I should have escaped much Vexation, enjoyed much pleasure and have gratified the earnest wishes & desires of Mrs. King." Knox Papers, MHi.

William Blount to Richard Caswell

Sir,

Newyork July 12th. 1787.

Various Reports having been circulated on the Reasons for the Return of Mr. Rucker from Europe, I thought it advisable to write to Mr. Constable for such a Statement thereof as he might choose to give. Inclosed you have the Correspondence on the Truth of which I have the fullest Reliance.¹ You know that we shall have Credit on the Books of the Treasury on the Receipt of the Receipts for the delivery of the Tobacco, nevertheless I have judged it necessary to give you this Information in opposition to any Reports unfavourable to the Credit of the Contractors.

I submit to your Excellency the Propriety communicating this Information to the Public in general though it is intended by me only for your Satisfaction and that of your friends. I have the Honor to be, Your Excellency's most Obedient Servant. Wm. Blount

RC (DNDAR: 2000X-56).

¹ For Blount's July 10 letter to William Constable seeking an explanation "respecting the non-acceptance or non-payment of some of Mr. Morris' Bills, drawn on your Partner Mr. Rucker," which had stimulated rumors of Rucker's bankruptcy, and Constable's July 11 reply with "a Copy of a Circular Letter which our house have written to our European Correspondents," see *N.C. State Records*, 20:734-35, 738-39. John Rucker was a London banker and member of the firm Constable, Rucker & Co., who with their Philadelphia agent Robert Morris had negotiated a tobacco contract with North Carolina March 16. See Blount, *Papers* (Keith), pp. 289, 317n; and Blount to Caswell, March 14, note.

Richard Henry Lee to Francis Lightfoot Lee

My dear brother,

New York July 14th. 1787

I arrived at this place a week ago almost destroyed with heat and fatigue. Here I found Grayson in the Chair of Congress Locum Tenens for the President who is absent.¹ After some difficulty we passed an Ordinance for establishing a temporary Government beyond the Ohio as preparatory to the sale of that Country.² And now we are considering an offer made to purchase 5 or 6 millions of Acres with pub. Securities. I hope we shall agree with the offer, but really the difficulty is so great to get anything done, that it is not easy for the plainest propositions to succeed.³ We owe much money, the pressure of Taxes

is very great & much complained of—we have now something to sell that will pay the debt & discharge the greatest part of the Taxes, and altho this something is in a fair way of being soon wrested from us by the Sons of Violence, yet we have a thousand *little* difficulties that prevent us from selling! I found the Convention at Phila. very busy & very secret, it would seem however, from variety of circumstances that we shall hear of a Government not unlike the B. Constitution—that is, an Executive with 2 branches composing a federal Legislature, and possessing adequate Tone. This departure from simple Democracy seems indispensably necessary, if any government at all is to exist in N. America. Indeed the minds of men have been so hurt by the injustice, folly, and wickedness of the State Legislatures; & State Executives that people in general seem ready for any thing. I hope however, that this tendency to extreme will be so controuled as to secure fully and completely the democratic influences acting within just bounds. The Land Speculators continue to urge the Open Mississippi immediately against every principle of policy, common good, & common sense. Upon this I shall write you more fully hereafter. The bills of R. Morris have been refused in France, to a very considerable amount it is said. Time must discover how this will work, & what it will produce. The discoveries of fraud among the great officers of State in France proves that private embezzlement of public Money [is] not confined to America. There seems to be much convulsion in France on this occasion at present.

My love, if you please to Mrs. Lee and when you have an opportunity, let me know that you are all well. Farewell. Richard Henry Lee

P.S. I do really consider it a thing of consequence to the public interest that Colo. H. Lee of Stratford should be in our next Assembly, and therefore I wish you would exert yourself with the old Squire to get his resignation, or disqualification rather, so that his Nephew may get early into the house of Delegates. I know it is like persuading a Man to sign his own death warrant, but upon my word the State of pub. affairs renders this sacrifice of place & vanity necessary. R. H. Lee

RC (ViU: Lee Family Papers).

¹ For William Grayson's July 4 election as chairman of Congress and Arthur St. Clair's absence until July 17, see *JCC*, 32:297; and St. Clair to Charles Thomson, May 18. Lee had presented his credentials to Congress on July 9. See *JCC*, 32:310.

² The ordinance for establishing governments in the states to be formed from the northwest territory had originally stemmed from consideration of petitions from the distressed inhabitants of the Kaskaskia district in the Illinois country, for which see these *Letters*, 22:328n.11, 23:246n, 522n.2. An ordinance drawn up in September 1786 by a committee chaired by William Samuel Johnson had been permitted to lie over as unfinished business. It was revived and read for the first time on April 26, 1787. It was read again and amended on May 9 when it was ordered printed. A third reading scheduled for May 10 was postponed and the report languished, due to poor attendance, until July 8 when it was ordered printed again and the following day assigned to a committee, chaired by Edward Carrington, that heavily revised it, eliminating many ele-

ments of Thomas Jefferson's plan of 1784 and establishing far more structured conditions of admission to statehood. Chiefly the work of Nathan Dane, the new ordinance was reported on July 11 and read successively through the 13th when it was adopted by eight states with only Abraham Yates of New York in dissent. The ordinance was transmitted to the states this day by Secretary Thomson. See *JCC*, 32:242, 274–75, 281–83, 310n.3, 313–20, 333–43, 33:756–57; Evans, *Am. Bibliography*, nos. 20,777–79; and the following entry.

The bicentennial of the Northwest Ordinance generated a spate of interpretive articles and essays on its origins, enactment, and consequences, many of them collected together under a single title. See, for example, Robert M. Taylor, ed., *The Northwest Ordinance, 1787: A Bicentennial Handbook* (Indianapolis: Indiana Historical Society, 1987), which includes an annotated text of the ordinance by section and article (pp. 31–77); "The Northwest Ordinance: A Special Issue," *Indiana Magazine of History* 84 (March 1988): 1–112; *Pathways to the Old Northwest: An Observance of the Bicentennial of the Northwest Ordinance* (Indianapolis: Indiana Historical Society, 1988); and Frederick D. Williams, ed., *The Northwest Ordinance: Essays on Its Formulation, Provisions and Legacy* (East Lansing: Michigan State University Press, 1989).

³ Part of the urgency in providing government for western settlers lay in the applications that came before Congress at this time for the purchase of large blocks of land, ostensibly for Revolutionary war veterans. On May 8, Gen. Samuel Holden Parsons, agent for the Ohio Company of Associates, presented a memorial to Congress for the purchase of bounty lands northwest of the Ohio River for \$500,000 to \$1,000,000. Comprised mostly of war veterans from New England, the Associates were led by Gen. Rufus Putnam, Winthrop Sargent, and Benjamin Tupper, aided by their chief lobbyist, ex-army chaplain Manasseh Cutler. The memorial was assigned on May 9 to a committee composed of Edward Carrington, Egbert Benson, Nathan Dane, Rufus King, and James Madison. Meanwhile, Cutler and the Associates, allied with the secretary to the board of treasury, William Duer, and a group of New York speculators, who styled themselves the Scioto Company, began to pursue a joint purchase. In its July 10 report Carrington's committee recommended that the board of treasury authorize a contract for a tract between the Muskingum and Scioto rivers to be determined by geographer Thomas Hutchins. The report was considered during deliberations over the final form of the Northwest Ordinance, and debates on July 14, 17, and 20 focused on the precise boundary of the tract, the actual price, and the terms of payment. The amended report, containing a provision for further purchases within three years, was considered and adopted July 23. On the 26th Cutler and Winthrop Sargent presented Congress with a list of conditions of sale, and the following day Congress passed a resolution exempting 10,000 acres around each of the Christian Indian towns from settlement. The final contracts of sale, which were not let until later in the year, included 1,500,000 acres for the Ohio Company and nearly 5,000,000 acres for Duer's group. Shortly after the Ohio Company made its purchase it issued a pamphlet entitled *Articles of an Association, by the Name of the Ohio Company* (New York: Samuel & John Loudon, 1787), which included letters of St. Jean de Crèvecoeur describing the Ohio country, the original "Articles of Agreement" entered into by the company's subscribers, the committee report approved July 23, the resolution of July 27, a report of Manasseh Cutler to the Association directors, and the August 30 Association resolutions for the establishment of the town that became Marietta. See *JCC*, 32:276, 311–13, 345–46, 350–51, 376–77, 33:399–401, 427–30; Carter, *Territorial Papers*, 2:29, 52–54, 61–64, 80–88; and Evans, *Am. Bibliography*, no. 20,605. For the organization of the Ohio Company of Associates, its alliance with the Scioto speculators, and Manasseh Cutler's pivotal role in conducting business with Congress, see Archer B. Hulbert, ed., *The Records of the Original Proceedings of the Ohio Company*, 2 vols. (Marietta, Ohio: Marietta Historical Commission, 1917), 1:xv–xcvi, 1–37; and Daniel J. Ryan, "The Scioto Company and Its Purchase," *Publications of the Ohio Archaeological and Historical Society* 3 (Columbus, 1891): 107–36.

Charles Thomson to the States

Sir

Office of Secy of Congress, July 14. 1787

The above is a copy of my last.¹ I have now the honor to transmit to your Exy herewith enclosed an Act of the 12 touching those Officers who may be entitled to pensions² and an Ordinance passed yesterday for the government of the territory of the United States Northwest of the river Ohio.³

With the greatest respect, I have the honor to be, Your Exy's Most obedt & Most humble Servt CT

LB (DNA: PCC, item 18B).

¹ This sentence opened the letters addressed to the states of New Hampshire, Rhode Island, Connecticut, Pennsylvania, and Maryland, which also received another copy of Thomson's July 7 letter to the six states then unrepresented urging "the immediate attendance of your delegates." The remainder of the letter was sent to the other seven states, plus Delaware whose delegates Dyre Kearny and Nathaniel Mitchell had returned to Congress July 12.

² See *JCC*, 32:332.

³ For the text of the Northwest Ordinance entered on the journals of Congress, which was adopted July 13 and also issued as a broadside, see *JCC*, 32:334-43, 33:757; and the preceding entry, note 2.

Richard Henry Lee to George Washington

Dear Sir,

New York July 15. 1787

I have the honor to enclose to you an Ordinance that we have just passed in Congress for establishing a temporary government beyond the Ohio, as a measure preparatory to the sale of the Lands.¹ It seemed necessary, for the security of property among uninformed, and perhaps licentious people, as the greater part of those who go there are, that a strong toned government should exist, and the rights of property be clearly defined. Our next object, is to consider of a proposition made for the purchase of 5 or 6 millions of Acres, in order to lessen the domestic debt.² An object of much consequence this, since the extinguishment of this part of the public debt would not only relieve from a very heavy burthen, but by demolishing the Ocean of public Securities, we should stop that mischievous deluge of speculation that now hurts our morals, and extremely injures the public affairs.

Our Gazettes continue to be filled with publications against the Spanish Treaty and for opening the Mississippi, some of them plausible, but generally weak and indecent. This seems to be contending for an Object unattainable for many years, and probably Never without War not only with Spain, but most likely with the Bourbon Alliance—

And by such contention exposing the Government of the United States to a dishonorable acquiescence under the Captivity of its Citizens and Confiscation of their effects by Spain on the Mississippi, or entering prematurely into a destructive war in resentment for such doings. At the same time discarding the friendship for the enmity of a powerful Monarch and thereby probably loose what we may possess, our Share of a Commerce that yields annually 4 or 5 millions of dollars for Cod fish only, independant of the Flour & many valuable articles of American production used in Spain & not interfering with their own products. To say nothing of a most lucrative contraband Trade from the Ocean & on the Mississippi which a friend might wink at, but which a vigilant and powerful enemy will prevent. It seems to me that N. America is going, if we are prudent, to be the Entrepôt between the East Indies and Spanish America. If to these we could join the settlement of a disputed boundary and obtain a powerful Guarantee therefor surely such considerations greatly outweigh the far sought apprehension of an Alliance of the Kentuckians with the British, and especially when we consider that a conduct which will procure the enmity of Spain, will probably force her into the open arms of G. Britain much to our Commercial and political injury. And after all, if this navigation could be opened and the benefits be such as are chimerically supposed, it must in its consequences depopulate & ruin the Old States.

The argument may shortly thus be stated—Spain will not agree to the Navigation within her limits. Can we force it in 25 years—if we cannot, why risk, for an unattainable Object, the loss of valuable objects, and the incurring pernicious consequences. A Candid and impartial consideration of this subject, must, I think determine the question without difficulty. But I beg your pardon Sir for writing as much on this question, which I doubt not but you have fully considered before.

I have the honor to be with the truest respect and esteem, dear Sir,
Your affectionate and most obedient servant, Richard Henry Lee

RC (DLC: Washington Papers).

¹ See the preceding entry.

² See Lee to Francis Lightfoot Lee, July 14, note 3.

Nathan Dane to Rufus King

Dear Sir

New York July 16, 1787.

I am obliged to you for yours of the 11th inst. With pleasure I communicate to you what we are doing in Congress—not so much from a consciousness that what we do is well done, as from a desire that you

may be acquainted with our proceedings. We have been much engaged in business for ten or twelve days past for a part of which we have had 8 States. There appears to be a disposition to do business, and the arrival of R. H. Lee is of considerable importance. I think his character serves, at least in some degree, to check the effects of the feeble habits and lax modes of thinking in some of his Countrymen. We have been employed about several objects—the principal ones of which have been the Government inclosed and the Ohio purchase.¹ The former you will see is completed and the latter will be probably completed tomorrow. We tried one day to patch up M—s² Systems of W. Governmt.—Started new Ideas and committed the whole to Carrington, Dane, R. H. Lee, Smith, & Kean—we met several times and at last agreed on some principles at least Lee, Smith & myself. We found ourselves rather pressed, the Ohio Company appeared to purchase a large tract of the federal lands, about 6 or 7 million of acres—and we wanted to abolish the old system and get a better one for the Government of the Country—and we finally found it necessary to adopt the best system we could get. All agreed finally to the inclosed except A. Yates—he appeared in this Case, as in most other not to understand the subject at all. I think the number of free Inhabitants 60,000, which are requisite for the admission of a new State into the Confederacy is too small, but having divided the whole territory into 3 States, this number appeared to me to be less important, each State in the Common Course of things must become important soon after it shall have that number of Inhabitants. The eastern State of the 3 will probably be the first, and more important than the rest—and, will no doubt be settled chiefly by Eastern people, and there is, I think, full an equal chance of it's adopting Eastern politics. When I drew the ordinance which passed (in a few words excepted) as I originally formed it, I had no idea the States would agree to the sixth Art. prohibiting Slavery—as only Massa. of the Eastern States was present—and therefore omitted it in the draft—but finding the House favourably disposed on this subject, after we had completed the other parts I moved the art—which was agreed to without opposition.³ We are in a fair way to fix the terms of our Ohio sale, &c. We have been upon it three days Steadily. The magnitude of the purchase makes us very cautious about the terms of it, and the security necessary to ensure the performance of them.

We have directed the board to enquire into and report on Holker's affairs &c.⁴

Massa. Legisa. was prorogued the 7th inst. having continued the tender act, as it is called, to Jan. 1, 1788 & having passed no other act of importance except what, I presume, you have seen re[s]pecting the raising of troops and the powers of the Governor to pursue the rebels, &c.

You ask me how I like my new Colleagues. Sedgwick, you know, we all esteem but I fear he will not make his attendance an object. Thatcher I am quite unacquainted with. I do not know whether Mr. Otis at his period of life and under his misfortune will enter with vigor into federal politics. I wish his Accounts with the Union had been settled &c.

Nothing occurs worth particular notice. Your affecta. friend,
N. Dane

P.S. States present. Massa., N.Y., N.J., Delaware, Virga., N. Cara., So. Carolina & Georgia. Brother Holten is rather an invalid, is not well able to take an active part in business—but I think supports pretty good Eastern politics.

RC (WHi: Miscellaneous Manuscripts).

¹ For discussion of the adoption of the Northwest Ordinance and the efforts of the Ohio Company and the Scioto Company to negotiate contracts with Congress for large land purchases in the Ohio country, see Richard Henry Lee to Francis Lightfoot Lee, July 14, notes 2 and 3.

² That is, James Monroe, who had been chairman of a committee appointed in March 1786 to draft an ordinance for the government of the northwest territory. See these *Letters*, 23:246n.

³ For discussion of article 6 of the ordinance and Dane's role in its adoption, see Paul Finkelman, "Slavery and the Northwest Ordinance: A Study in Ambiguity," *Journal of the Early Republic* 6 (Winter 1986): 351–57. For an analysis of the remarkable voting configuration on this famous antislavery provision, which carried unanimously at a time when "the eight states present were mostly southern," see Calvin Jillson and Rick K. Wilson, *Congressional Dynamics. Structure, Coordination, and Choice in the First American Congress, 1774–1789* (Stanford, Cal.: Stanford University Press, 1994), pp. 276–79.

⁴ See Roger Alden to the Board of Treasury, June 7.

Edward Carrington to Beverley Randolph

Sir,

New York July 17. 1787

I do myself the honor to acknowledge the receipt of your favors of the 29th of June and 6th Instant.

Congress have reassembled, but not in sufficient force for directing the necessary measures in the Western Country. The various communications with which we have been honoured respecting the hostilities in that quarter, have been submitted to the consideration of Congress—in a few days we shall probably have Nine States on the floor, and then we shall urge an immediate decision.¹

I have the honor to be, Dr Sir, with great respect, Your Most Obt. Servant,

Ed. Carrington

RC (Vi: Continental Congress Papers).

¹ For this "decision," see William Grayson to Randolph, June 25, note 1; and Charles Thomson to Randolph, July 23.

James Madison to Thomas Jefferson

Philada. July 18. 1787. "The Convention continue to sit, and have been closely employed since the Commence[me]nt of the Session. I am still under the mortification of being restrained from disclosing any part of their proceedings. As soon as I am at liberty I will endeavor to make amends for my silence, and if I ever have the pleasure of seeing you shall be able to give you pretty full gratification. I have taken lengthy notes of every thing that has yet passed, and mean to go on with the drudgery, if no indisposition obliges me to discontinue it. It is not possible to form any judgment of the future duration of the Session. I am led by sundry circumstances to guess that the residue of the work will not be very quickly dispatched. The public mind is very impatient for the event, and various reports are circulating which tend to inflame curiosity. I do not learn however that any discontent is expressed at the concealment; and have little doubt that the people will be as ready to receive as we shall be able to propose, a Government that will secure their liberties & happiness.

"I am not able to give you any account of what is doing at N. York. Your correspondents there will no doubt supply the omission. The paper money here ceased to circulate very suddenly a few days ago. It had been for some time vibrating between a depreciation of 12 & of 20 Per Ct. Its entire stagnation is said to have proceeded from a combination of a few people with whom the Country people deal on market days, agst. receiving it. The consequence was that it was refused in the market, and great distress brought on the poorer Citizens. Some of the latter began in turn to form Combinations of a more serious nature in order to take revenge on the supposed authors of the stagnation. The timely interposition of some influential characters prevented a riot, and prevailed on the persons who were opposed to the paper, to publish their willingness to receive it. This has stifled the popular rage, and got the paper into circulation again. It is however still considerably below par, and must have recd a wound which will not easily be healed.¹ Nothing but evil springs from this imaginary money wherever it is tried, and yet the appetite for it where it has not been tried, continues to be felt. There is great reason to fear that the bitterness of the evil must be tasted in Virga. before the appetite there will be at an end.

"The Wheat harvest throughout the Continent has been uncommonly fine both in point of quantity & quality. The crops of Corn &

Tobo. on the ground in Virginia are very different in different places. I rather fear that in general they are both bad; particularly the former. I have just recd. a letter from Orange which complains much of appearances in that neighbourhood; but says nothing of them in the parts adjacent."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:105–6.

¹ For newspaper commentary on the stagnation of Pennsylvania currency, see *ibid.*, p. 106n.1.

William Bingham to John Jay

Dr. Sir

New York 19th July 1787

From the Period of July 1776, when I first arrived in the French West Indies untill the Month of February 1778, I found all their Ports open for the Admission of Lumber, Salted Fish & Live Stock, & indeed for all the Productions of America, (even those that entered into Competition with the Articles that France could furnish her Colonies with) but this was only a temporary Indulgence, arising out of our peculiar Situation & from the Benefits that France derived from the sale of large Quantities of Merchandize which the Americans took in Exchange for their cargoes of produce.¹

Previous to that Period, the first enumerated Articles were alone permitted to be disposed of; And no Ordinance of the Court established this Right in our Favor, but a discretionary Power was lodged with the Intendant to regulate this Intercourse.

The Port of the Caranage in St Lucie, La Trinité & St Pierre in Martinique & Point à Petre in Guadeloupe, were the most frequented in the Windward Islands.

Indeed, at one Period, previous to our Revolution, I found it had been in Agitation to confine all the American Commerce to St Lucie, as the Vigilance of the Guarda Costas was not Sufficient to prevent an illicit Trade in Articles whose Admission was Severely prohibited in the French Colonies.

After the Month of February 1778, American Vessels made regular Entries into all the Custom Houses, & were indulged with every Advantage that the Subjects of France partook of.

I am, Dr Sir, Your Freind & obed hble servt, Wm Bingham

RC (DNA: PCC, item 167).

¹ Jay had inquired of Bingham in a letter of July 17 "what free ports there were in the french Islands, and particularly in Guadeloupe prior to the month of February in the year 1778, and whether american Vessels were then admitted into *all* or into which only of the Ports of the french Islands." PCC, item 120, 3:243. Bingham had been Continental agent at Martinique, 1776–78. See these *Letters*, 4:128–29.

William Blount to Richard Caswell

Dear Sir,¹

Newyork July 19th 1787.

Herewith I forward to your Address the Papers of today in one of which is contained a Letter dated at Nashville May 1st addressed to the Honorable B. H.² You will readily conjecture it was fabricated by a Person better informed that [than] any Inhabitants of Davidson County can be it only remains for me to tell you that it has been written on my Motion in the first Instance by my Friend H. W.³ It has been here much applauded as well written and it certainly is well timed. He is not suspected of being the Author. It has been translated into French & will be published in Paris & London.

I arrived here on the 3d July from Philadelphia accompanied by Mr. Hawkins, the Reasons that induced us to do [so] We have given you in official Lettrs by Post which I suppose will be to hand before this.⁴ We have at present nine States on the floor, & I have from day to day for Several days past been about to return to Philadelphia but sundry things which require the Assent of that Number of States has been so pressing and still continues so to be that I believe we shall continue here untill Sunday (we are so now industrious that We set on Saturday). I had yesterday a Letter from D^cavie⁵ in which he says "since you left us We have progressed obliquely and retrograded directly so that we stand on the same Spot you left us" and when I left them much Progress was not made. My Colleagues were very unanimous, H. W. are there Head, and were in Sentiment with Virginia who seemed to take the lead, Madison at their Head, tho Randolph and Mason are also great. The general outlines were to have a National Assembly composed of three Branches, the first to be elected by the People at large and to consist of about 70 Members, the second Branch of a less Number to be chosen by the respective Legislatures for a longer duration and the third an Executive of a single Man for a still longer Time. I must confess notwithstanding all I heard in favour of this System I am not in sentiment with my Colleagues for as I have before said I still think We shall ultimately and not many Years first be separte and distinct Governments perfectly independent of each other. The little States were much opposed to the Politics of the larger they insisted that each State ought to have an equal Vote as in the present Confederation.

Congress yesterday recived a Letter from Mr. Brandt written in the Indian Language informing that all the Nations of Indians of the North West of the Ohio had formed a Confederacy offensive & Defensive, it was couched in hostile Language and contained a request in the Terms of a Demand that our Surveyors should desist from

survey[ing] the Lands west of the Ohio.⁶ Daily Accounts from Kentucky prove the Indians are hostile in that quarter and by the Report of the Superintendent from the Creeks there is much Reason to fear Hostilities will shortly commence between them and the Citizens of Georgia. There has been at Philadelphia a Mr. Drungold with a Cherokee & John Woods with a Chickasaw & Choctaw and have all returned, the two latter by way of Fort Pitt, the former complained loudly against the Infraction of the Treaty at Hopewell in as much as that the Whites had settled within a few Miles of their towns, and within that part assigned them by the State of N.Ca. I would wish the Whites had forbore there Settlements on that part—the other two complained that Trade had not been sent among them as they were taught to expect and that they were suffering for the Want of the promised Supplies, in Short We have three Reports from the Secretary at War, on Indian Affairs, one in particular which is the Subject of this day recommends the Stationing Continental Troops on the Ohio in different parts as low as the Rapids and the Calling out Militia on Continental pay to protect the Kentucky and other Inhabitants on the east side of the Ohio.⁷

FC (Nc–Ar: Blount Papers). In the hand of William Blount.

¹ Recipient conjectured from the following endorsement in Blount's hand. "The foregoing a Copy or rather the rough original of a piece of writing this day forwarded by Water via New Bern to the friend of its Writer at Kinston." Edmund C. Burnett mistakenly identified John Gray Blount as the recipient (Burnett, *Letters*, 8:623), an attribution challenged by the editor of the *Blount Papers*, who called attention to Blount's endorsement and the significance of Caswell's residence at Kinston. Blount, *Papers* (Keith), pp. 321–22n.

² The July 19 issue of the *New York Journal and Weekly Register* reprinted this letter to Benjamin Hawkins under the heading "Extract of a letter to the Hon. B. H. dated at Nashville, in Davidson county, May 1, 1787."

³ That is, Hugh Williamson.

⁴ See the letters of Blount and Hawkins to Governor Caswell of July 10.

⁵ That is, William R. Davie, one of North Carolina's delegates to the Constitutional Convention.

⁶ Congress actually received "yesterday" two letters from Joseph Brant—of December 18, 1786, to Henry Knox, and of May 16, 1787 to Richard Butler. But it was the enclosure in the former, "a Speech from our united Confederacy," which provided the fuel for Blount's alarm, for the enclosed speech requested Congress "to order your Surveyors and others that mark out Lands, to cease from crossing the Ohio" until a treaty could be held in the spring, and pledged the "United force" of their confederacy "if the plan which we have suggested to you should not be carried out." See *PCC*, item 150, 2:381–404. This "Speech of the United Indian Nations" was endorsed by chiefs of "The Five Nations, Hurons, Shawanese, Delawares, Ottawas, Chippewas, Poutewatimies, Thwichtwees, Cherokees, [and] The Wabash Confederates." For the context of the congressional reception of Brant's letter and enclosure, see William Grayson to Beverley Randolph, June 25 note 1.

⁷ See *JCC*, 32:327–32, 365–75.

William Irvine to Richard Butler

Dear Sir,¹

New York July 19th 1787

The President² & myself arrived here last Tuesday morning in time to take our seats the same day & make up at the same time nine States. The inclosed Ordinance had passed two days before³—who the Officers of that Government will be I have not heard, nor enquired. I fear nine States will not be held up long as some talk of going away soon—whether they will be replaced is uncertain. The bargain or sale—as you will see, by the inclosed scetch is nearly compleated⁴—for that fine tract of country. For my own part I have no objection to that mode of sale because I think it most advantageous for the united States, as it will sink the national debt without any additional expence for surveying &ca—provided they pay for all that is secured to them—and that they are confined at once to a certain bounds, Congress at liberty to do what they please with all the rest at any time. I confess to you I am opposed to a preem[p]tion to any Company or set of men. I think on sound principles; & I hope to prevent this passing with that tail however beneficial the body might be without. I have no Idea in making a sale, to bribe a person, to get him to take my commodity with another article of equal or more value. Your dispatches have been read & committed⁵—and I suppose will soon be taken up—but in the mean time *the Dominion according to custom are pressing partial measures* for the purpose of defending Canetucki, as they say.

I wish for general arrangements at once—at present I can not, properly, say more, you will soon hear what is doing. I am Dr Sir, &ca
Wm. Irvine

RC (PPI: Isaac Craig Papers). Addressed: "Genl. Ricd. Butler."

¹ Richard Butler (1743–91), who had been born in Dublin, Ireland, and settled in Lancaster, Pa., had risen to the rank of brigadier general during the War for Independence and was at this time superintendent for Indian affairs for the northern department. *DAB*.

² That is, Arthur St. Clair.

³ That is, the Northwest Ordinance, for which see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 2.

⁴ See *ibid.*, note 3.

⁵ See *JCC*, 32:369n.1; and the preceding entry, note 6.

Charles Thomson to the States

Sir,

Office of Secretary of Congress, July 21. 1787

I have the honor to transmit to your Excellency herewith enclosed a copy of a treaty between the United States of America and the Em-

poror of Morocco ratified on the 18th of the present Month by the United States in Congress Assembled.¹ Your Excellency will be pleased to make this known in such way as you shall judge proper to the Citizens of your state for their government.

With the greatest respect, I have the honor to be, Your Ex &c
CT

LB (DNA: PCC, item 18B).

¹ For the ratification of the treaty with Morocco, which the secretary for foreign affairs John Jay reported to Congress May 5, and the letter adopted July 23 thanking the emperor for this expression of goodwill, see *JCC*, 32:273–74, 355–64, 33:393–96, 757.

William Irvine to Josiah Harmar

Dear Col.¹

New York July 22d² 1787

The Secretary at War will doubtless transmit to you with all possible dispatch the Resolutions of this day³—or perhaps it may first reach you Via Virginia. However troublesome this new Commission may be to you yet I think it an honorable mark of the confidence of Congress in your integrity and discretion. And I assure you this was one motive with me for agreeing to the whole of the Resolutions as they stand. The part that I have material objection to is leaving to you to Judge of the propriety of calling out Militia—for tho you are not authorised to carry on an expedition without the further Orders of Congress—yet the rumour that you have in your power to call them out to cover the frontier &c. will I fear lay you under many difficulties, as you will on the one hand as well from duty as inclination wish to avoid unnecessary expences on the other I know you will be hazed to death, by rumours of persons killed, strong assertions & persuasions of the necessity of establishing posts, at this that and the other place. If you give way in one instance to these persuasions you will find your Judgment & resolution both hard pressed to stop til the whole number authorised by the Resolutions are called out. Your own good sense will be a sufficient montitor to you how far this matter is to extend—when you reflect for a moment on the present wretched state of the treasury (which you yourself must feel but too sensibly). It is said Virginia will defray the expence in the first instance—true—but is she not to be allowed out of the requisitions of the present year—and is not Virginia one of the few States who pay any thing & has the most immediate efficient funds. If that is Idly squandered what will be the consequence. I know you have a delicate part to act; You know I presume that there is a general confederacy of all the Indian tribes north west of the Ohio. Will not an attack on part be deemed attacking the Whole? They demand a General treaty; the consideration of this is taken up

but what will be the result—is yet unknown. To these detached hints I will take the liberty of adding another which is dictated solely by personal friendship Viz.—When I was in nearly a similar situation to that you are now in, I heard & listened attentively to every Mans advice & plan, yet neither absolutely approved nor rejected any, but left myself at full liberty to act as circumstances required and I thought proper which I did invariably. To this let me also add that I should never have given my voice to your being employed on this petty, partial or subordinate (or what else you please to call it) negotiation did I not think it probable that something greater may spring from it—under present appearances. We are about to sell all that tract of Country between the 7th range of townships & Siota to a Company who you must have heard of,⁴ but I fear the Contract can not be closed advantageously to the United States, as the Company want a preemption to much more than they can at present pay for—this plan is not agreeable to some of your friends here, as they wish to begin an immediate extinguishment of as much of the public debt as possible. You will probably get fuller accounts of all these things from the War office, or from some other friends who have more leisure than I have at present. I only arrived a few days since, we have nine States represented and are extremely busy. This will I hope appologise for this incorrect hasty scrawl. I am Dr. Col., your friend & Servt., Wm. Irvine

RC (MiU-C: Harmar Papers).

¹ Josiah Harmar (1753–1813), a Philadelphian and commandant of the Sixth Pennsylvania Regiment during the War for Independence, had been promoted to colonel in 1783 and in August 1784 appointed commander of the small peacetime army that remained in service after the war. As the bulk of his troops were posted on the Ohio frontier, Harmar spent most of his time from 1784 to 1791 engaged in Indian negotiations or warfare. He was brevetted brigadier general July 31, 1787. See *DAB*; and *JCC*, 33:437–38, 440.

² Irvine may have drafted this letter on July 21 and dated it the following day upon preparing this RC. The “Resolutions of this day” with which it is concerned were adopted by Congress on Saturday July 21.

³ These July 21 resolutions directed that Indian superintendent Richard Butler, or “in case he be unable to attend then col Josiah Harmar immediately proceed to post St. Vincents or some other place more convenient. . .for holding a treaty with the Wabash Indians, the Shawanese and other hostile tribes.” They also directed the secretary at war to deploy Continental troops to provide protection for the frontier inhabitants of Pennsylvania and Virginia, and requested that the governor of Virginia place the Kentucky militia “in readiness to unite with the federal troops. . .necessary for the protection of the frontiers.” *JCC*, 33:385–87. For the context in which these resolutions were adopted, see William Grayson to Beverley Randolph, June 25, note 1.

⁴ See Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

Richard Henry Lee to Thomas Lee Shippen

My dear Cousin,

New York July 22d. 1787

Having recover'd my health much better than I ever expected to have done, I have again taken my Seat in Congress. I arrived in this City a fortnight ago, having stayed a week in Philadela. where I saw your friends all in good health and your father, as usual, in high spirits. I was extremely happy to find that you were so well placed for improvement and to see, under your own hand, such strong proofs that you had greatly profited by your situation.¹ The federal Convention at Phila. is proceeding slowly, but I hope surely in a practical improvement of our federal Constitution. Experience seems to have proved that our governments have not Tone enough for the unruly passions of men, and so far as I can judge, the general wish is for a ballanced government where the powers shall be placed independently as in England, and of duration somewhat longer than the present. Congress is proceeding with the ordinary business until the Convention shall report their plan for consideration and recommendation to the different States. I suppose it will be recommended to the States to call Conventions for the special purpose of approving the new System, that it may rest on the broad base of the peoples choice, rather than on the more feeble opinion of the ordinary Legislatures. In my last to you from Virga. I requested you to send me a few of the newest books, if there were any published of high Character and to apply to Mr. Thos. Blane Merchant in London for the cash to pay for them, and to deliver them to him that they might be forwarded to me. If you have not already complied with this request, you need not now trouble yourself about it, because I have written to Mr. Blane for as many books as my finances will allow me to devote in one year to that article. But you will very much oblige me by getting for me one of the most improved Modern Lamps of polished Tin, such as Doctor Franklin brought over with him for giving great splendor of light to a Parlour where company sit. If, in order to use this Lamp, any explanation is necessary, let such explanations accompany it. Mr. Blane will receive and forward the Lamp with my other Goods that he sends me the ensuing Fall. And he will on your application, supply the money necessary to pay for it as I have directed him. I pray you to remember me affectionately to Mr. Adams and inform him that I will shortly write to him. Congress have not yet determined on complying with his request to be permitted to return home, but when they shall do so, I

will certainly do my endeavor to have Colo. Smith appointed Chargé des Affairs at the Court of London, if such shd. be the plan fixt on. My compliments if you please to Colo. Smith. I hope to hear from you e'er long, because I am always happy to do so, being with the most unfeigned affection and the truest regard my dear Cousin, Yours forever,
Richard Henry Lee.

P.S. July 30. The want of 9 states prevents a determination on Mr. Adams's business by this packet, so that we do not know the future arrangement. I enclose you my dear Cousin a letter for our relation the Bishop of Chester. It may bring you acquainted with a Learned and worthy Man—farewell. R.H.L.

Remember me to Dr. Cutting. Mr. Blane may be met with on the Royal Exchange Virginia walk. Seal the Bishops letter before delivery.

RC (DLC: Shippen Family Papers).

¹ Shippen, the son of Lee's sister Alice, was in London studying law at the Inner Temple.

Virginia Delegates to Beverley Randolph

Sir,

New York July 22. 1787

We do ourselves the honor to inclose a report of the Treasury Board, upon the Governors letter of the 18th of April, upon the subject of the Indents for 1786.¹

The same disposition to the ease of the people which induced Congress at the time of making the requisition, to admit Indents in payment of such part of it, as is for the Interest of the domestic debt, must, doubtless, now induce a favorable ear to the complaint of a State, that those facilities are withheld by the Executive officers of the United States. In pursuance of this disposition the complaint of Virginia was referred to the Treasury Board for their answer. This is composed of a statement of facts, drawn from the Acts of the State; the information of the Loan Officer; and actual experiments upon some of the Acts, in former requisitions: the result of this Statement is, that the funds appropriated for the payment of the requisition, are greatly deficient. Neither Congress, nor the delegation of the State, are in possession of sufficient knowledge of the productiveness of those funds, for ascertaining the propriety or unpropriety of this report; nor is it to be expected that Congress will supercede it, without evidence of its being wrong. Conceiving it to be our duty, to procure an opportunity for this to be done on the part of the State, we have obtained, and now transmit, this Copy of the Report.² Should the Executive find it practicable to oppose to it sufficient evidence of the adequacy of the Funds, we shall be ready to lay it before Congress, and are convinced

it will have due weight with that body. The Statement of the Treasury Board does not comprehend all the Funds appropriated to the requisition, but what they have omitted, would add but little to the result of their calculations. Anxious to be immediately instrumental in removing this difficulty, we have attempted a calculation upon these funds, and could we have brought them to any thing like the necessary sum, we should have endeavoured to obtain a reliance upon them; but of this, we have fallen far short, our statement is enclosed for your inspection. Knowing that our information upon the subject must be very imperfect, we have not communicated this Statement to, either Congress, or the Treasury Board, that both may be fairly open to receive that which, the more perfect knowledge of the Executive, may produce.

The Executive must readily perceive the extensive mischief that would arise to the honor and credit of the United States, from an order of Congress for the issuing of Indents in Virginia, before the establishment of the adequacy of her funds to the requisition, as it would necessarily lead to the gratification of all the States, and, thus, an enormous addition would be made to that Mass of unfunded paper which already overwhelms us: in the mean time We have the pleasure to assure you, Sir, of the perfect impartiality of the Treasury Board upon this subject—all the Acts for complying with the requisition are reported by the loan Officers to be defective in funds, and the Indents are accordingly withheld from all the States.

We also have the honor to enclose an extract of a letter from Mr. Hopkins to the Treasury Board, informing them that the Executive have ordered all payments for federal purposes to be suspended, until the Indents for 1786 be issued, or those of 1785, admitted in discharge of the requisition of 1786. This determination must, we conceive, have been founded either upon an apprehension that the indents now in the Treasurers hands, are not payable upon the requisitions of 84 & 85, and, that unless the Treasury Board exercise a power supposed to be possessed by them, of directing them to be received for that of 1786, they must sink in the hands of the State, or go to the extinguishment of the requisition of September 1782; or a supposition that the Indents for 1786, are withheld without just cause. To the latter ground of complaint, the above report fully applies—as to the former, we enclose a Statement of the Treasury Board which shews, not only that the State has the power, but that it is for her Interest, to pay the Indents on hand upon the requisitions of 1784 & 1785. Their remarks upon this point are so full that it is unnecessary for us to add to them: but as to the payment of these Indents upon the requisition of 1786, We beg leave to observe, that the annual requisitions are founded upon the current demands of the public—that for 86 comprehends one years Interest of the domestic debt, and no more,

the admission, therefore, of indents for 85, in discharge of it, would occasion a deficiency and confuse the systems of finance. You will observe, Sir, that the Indents for 1785 are receivable upon the requisitions of 82 & 84, by *special* resolutions of Congress annexed to the Statement of the Board, which have been either unknown, or unattended to, by the Loan Officer, and of course escaped the observation of the Committee of Issuance at the last session—upon general ground the statement of this committee, was a just one, as those resolutions were occasioned by the particular circumstance of the Indents of 85, involving, in many instances, the Interest intended to be covered by the former requisitions. These observations shew, not only that the Treasury Board are unauthorized to admit the Indents of 1785, in payment of the requisition of 1786, but also, that it would be improper for Congress to do so.

Our concern in this business arises as well from a sense of duty, as a sincere desire, to preserve between the federal and State administrations, that harmony, which is absolutely necessary to the redemption of our affairs from the ruinous state in which they are, and we are convinced the Executive will give our communications a candid and liberal consideration.

As to the stoppage of the payments on federal account, it is not for us to say more, than that it exposes the Interests & credit of the United States, to the most fatal injuries.

We have the Honor to be, Sir, with great respect, Your Most Obedt. humble Servants.

Willm. Grayson

Richard Henry Lee

Ed Carrington

RC (Vi: Continental Congress Papers). Written by Carrington and signed by Carrington, Grayson, and Lee.

¹ For this July 10 report, see *JCC*, 32:320–27; and Virginia Delegates to Edmund Randolph, February 26, note 1.

² Along with a copy of the board of treasury's July 10 report, the delegates included an extract of Virginia loan office commissioner John Hopkins' June 4 letter concerning payments to the board, a June 16 statement on requisition funds prepared by the delegates, the board of treasury's July 11 letter to the state on the payment of its indents on hand on the requisitions of 1784 and 1785, and Congress' quota resolution of October 12, 1785, all of which are in the Continental Congress Papers, Vi.

Virginia Delegates to Beverley Randolph

Sir,

New York July 22nd. 1787.

We have the honor of inclosing the resolutions of Congress respecting the disturbances on the frontiers of the State of Virginia, which though they may not be equal to the expectations of the Executive are

notwithstanding all that could possibly be procured.¹ Indeed some communications from the Western country giving authentic information of a confederation of the five nations with the Wabash Indians, the Shawanese & a number of other tribes on the North West side of the Ohio, furnished the opponents to offensive operations, with strong arguments. It was insisted on with great force that it was highly impolitic to attack a part of the confederation, & thereby involve ourselves in a general war, when the public resources were totally inadequate thereto.

The letter from Capt. Brandt who is at the head of the confederation & who complains of the manner in which the lands NWest of the Ohio were purchased of the Indians is committed:² but what will be the ultimate decision of Congress, is more than we can at present determine. Thing [Think] we are rather disposed to conclude, they will adopt the pacific mode of treating with them, on the subject of their complaints.

We have the honor to be, with the highest respect, Yr. Most Obed & Very hhble servts.,

Willm. Grayson.

Richard Henry Lee

Ed Carrington

RC (CSmH: Brock Collection). Written by Grayson and signed by Grayson, Carrington, and Lee.

¹ For these resolutions, see William Irvine to Josiah Harmar, this date, note 3; and Charles Thomson to Randolph, July 23.

² See William Blount to Richard Caswell, July 19, note 6.

Charles Thomson to Charles Pinckney

Sir, Office of Secretary of Congress. July 23d 1787.

I find by a Memorandum in the Office that an Act of the State of Georgia to regulate trade &c, and a protest of the Commissioners of Georgia—the answer thereto, a second protest & answer 3 & 28 November—papers which among others were transmitted to Congress by the Commissioners for treating with the Southern Indians, were on the 7th of June 1786 delivered to you and do not appear to have been returned. As those papers are now wanted, I must request the favour of you to look them out and transmit them to me by the return of the post.¹

With much respect, I am Sir, Your Most Obedt. &c.

LB (DNA: PCC, item 18B).

¹ Pinckney was at Philadelphia attending the Federal Convention. None of the documents sought here by Thomson are now in the PCC.

Charles Thomson to Beverley Randolph

Sir,¹

Office of Secretary of Congress, July 23. 1787

I have the honor to transmit to your Excellency herewith enclosed an Act of the United States in Congress Assembled passed the 21 in consequence of a report on the incursions and depredations on the frontiers of your State by the Wabash Indians, the Shawanese & other hostile tribes.²

While this matter was under consideration Congress received information of a general Confederacy formed by the five Nations and the other tribes within the territory of the United States North West of the Ohio and an Offer of the said Confederacy to treat of peace. On this Congress are now deliberating, As soon as they have come to a determination thereon, the result will be communicated to your Excellency.³

With great respect, I have the honor to be, Your Excellency's Most Obedt & Most humble Servt,
Cha Thomson

RC (PHi: Dreer Members of Congress Collection). Addressed: "His Excellency The Governor of Virginia."

¹ That is, Beverley Randolph, the lieutenant governor of Virginia, who exercised the executive power of the state while Gov. Edmund Randolph attended the Philadelphia Convention from May to September.

² See *JCC*, 33:385–87. For the background and adoption of the enclosed "Act," see William Grayson to Beverley Randolph, June 25, note 1. See also William Irvine to Josiah Harmar, July 22, note 3.

³ For the July 20 report of the secretary at war, Henry Knox, on the prospects for a general confederacy of the Indians of the northwest, see *JCC*, 33:388–91. For Congress' October 5 "determination thereon," see James Madison to Randolph, October 7.

For the warning received by Congress from Joseph Brant that the Indians had pledged their "United force" against continued encroachments on their lands if surveying was not suspended until a general treaty could be held, see William Blount to Richard Caswell, July 19, note 6.

Arthur St. Clair to John Wendell

Sir

New York July 24h. 1788 [1787]¹

A Recess having happened in Congress, in consequence of which I had been absent for some time, your Letter with the enclosures² did not come to hand until lately—from the decided manner in which Sir John Temple³ had replied to my former Application, which I informed you of, there would have been no propriety in my making any other, neither in the delivery of either of the Letters which you submitted to my inspection, and left to my Election. I had therefore determined to return the whole of the Papers before I recd. your favour

by Mr. Gardner, but unfortunately missed the last post. They are now enclosed, and as I cannot serve you in the Business, I am glad that it coincides with your desire, and am, Sir, Your very humble Servant,

Ar. St. Clair

RC (MH-H: bMS Am 1907).

¹ St. Clair had returned to Congress on July 17 after a prolonged absence, which he noted by explaining his delay in responding to Wendell. His congressional career ended in October 1787.

² Not identified, but undoubtedly related to the issue discussed in his May 20 letter to Wendell, for which see St. Clair to Wendell, March 27, note 4.

³ The British consul general to the United States.

Edward Carrington to James Madison

Dear Sir,

New York July 25. 1787

I was favoured with yours inclosing a letter for Mr. Jefferson, which I delivered, agreeably to your request, to Chevalier Jones¹—his business with Congress is not finished, and therefore he has not gone with the packet, which sailed this morning. No passenger was going whose personal delivery of the letter could be relied upon, and it seems the Capt. could not take it, otherwise than in the Mail. Not knowing it to be matter of indifference with you, whether it should be exposed to inspection or not, it has been determined, in a conference between the Chevalier & myself, that he should keep it until his own departure, which he expects will be in a short time.

I recd. by Colo. R H Lee Ninety dollars which, with the sum you was good enough to pay Major Turner for me, sets us even. Your acknowledgement for the 100 dollars is enclosed.

We are trying to do something with our Western Territory to make it useful to the purposes for which the United States were vested with it. You have seen in the papers the scheme for the temporary as well as perpetual Government of it. A practicable measure for the sale of it, or rather, by means of it to redeem the domestic debt, remains still to be agreed upon, and I fear the difficulties which have always stood in the way of this great object, are not yet to be surmounted.² Colo Lee joins Grayson & myself with great zeal, but what will be the issue of our efforts I know not.

Indian affairs wear an hostile aspect, and money must, in all probability, be expended in Treaties with them. A general confederacy is formed of all the Nations & Tribes from the Six Nations inclusive, to the Mississippi under the immediate influence of Brandt. A general Council has been held in form, near Detroit, as long ago as last December, in which have been considered as greivances, our Surveying over the Ohio, the Cessions being made by only parts of the Tribes

having rights in the ceded Tracts. Of these injuries or greivances they have sent an United representation to Congress requesting that a general Treaty may be held—perhaps this business may be directed by an authority higher than that of Brandt, and should our titles to the Land be compleat it will still be better to spend a little money in Treating, rather than expend a great deal in War, which from the generality of the confederacy is seriously to be apprehended. This subject is now under consideration.³

As to the hostilities upon Kentucky the superintendant of Indian affairs, or in case of his inability to go, Colo. Josiah Harmar, is ordered to proceed immediately to some convenient place for holding a Treaty with the hostile tribes, and by that means restore peace between them and our people if practicable. In the mean time Colo. Harmar is so to post the Federal Troops as to provide the best defence for the Country, and to call for such aids of Militia as he shall find necessary.⁴ Should the Treaty not succeed report is to be made to Congress for their further orders as to offensive operations. The state of the general confederacy requires some care in the direction of this business. The desperate state of things in the United Netherlands you see in the papers. Be good enough to present me respectfully to your Collegues and beleive me to be, with great regard, Your Affe. Hl ser,

Ed Carrington

RC (DLC: Madison Papers).

¹ That is, Madison's July 18 letter to Thomas Jefferson in Paris which John Paul Jones delivered in late December. Congress did not reach a decision on Jones' wartime prize claims until October 26 and he did not sail until November 11. See *JCC*, 33:713; and Jefferson, *Papers* (Boyd), 12:438.

² These "difficulties" were the outgrowth of a southern insistence upon the acquisition of land by "indiscriminate location" in opposition to the New England system of prior survey.

³ See William Blount to Richard Caswell, July 19, note 6.

⁴ See William Irvine to Josiah Harmar, July 22, note 3.

William Pierce to William Short

Dear Sir

New York, July 25th 1787.

Your Letter of the April last, I received about a Week ago. I wish I had time, by this opportunity, to answer it fully. Some business at present prevents me.

I was very fearful that my short address from Savannah had wandered out of its way, and instead of finding its Friend, had got into the hands of an Enemy. It gave me pleasure on the receipt of yours to find that it was in your possession.

As some material changes have taken place in Virginia, and in America generally, you will no doubt expect much information from your correspondents in this quarter. I cannot, however at present, arrange my materials so as to give you a long Letter. Carrington, no doubt, will give you every information of the Virginia affairs, as to Georgia you know nothing about it and therefore can feel no curiosity about the circumstances of that Country. I will then confine myself to such things as are immediately around me.

In January last I took my seat in Congress, and continued untill May, when I met the Delegates from the different States, in Convention, at Philadelphia. After continuing in that Council untill all the first principles of the new Government were established, I came on again to New York, and am now in Congress. The business of the Convention is now going on with some degree of harmony. I dare not communicate any of its proceedings.

The affairs of Congress, I imagine, you get regular information about. The most material business that we have lately compleated is the Government of the Western Country, and the direction given to the board of Treasury to sell a large tract of the Western Lands, by which we may probably sink four or five millions of the domestic debt. At present our attention is drawn to the hostile posture of the Indians, but we have concluded on nothing. I enclose you a report of the secretary of War that you may form some idea of our situation.¹

Burwell Starke, and young Mr. Beverley, are in this City on a visit. They both seem much displeased with Virginia. It is perhaps a misfortune that these young Gentlemen have tasted so much of the pleasures of Europe. I ask you my Friend if you think the gaities of France are equal to the tranquil pleasures, and domestic comforts of America? By this question you will find that I have a high opinion of your philosophy and good Judgment, that you are not caught by trifles, but that you know how to value the substantial matters of the World.

Please to make my respectful compliments to Mr. Jefferson, and believe me to be, Your sincere Friend,

Wm. Pierce.

RC (DLC: William Short Papers).

¹ Probably Henry Knox's July 20 report on Indian affairs in the northern department, sixty copies of which had been printed. See *JCC*, 33:388-91, 758; and Evans, *Am. Bibliography*, no. 20,786.

Charles Thomson to the States

Sir, (Circular) Office of the Secretary of Congress, July 25. 1787
I have the honor to transmit to your excellency herewith enclosed

an Act passed the 23d by the United States in Congress assembled limiting the time for all persons having unliqu[id]ated claims against the Confederacy to exhibit such claims for adjustment.¹ As all accounts not exhibited within the limited times will be precluded from settlement or allowance, I have to request the favour of your Excellency to cause this Act to be published that all the citizens of your State who it concerns may have notice thereof.

With the greatest respect, I have the honor to be, Yr Exy &c,
CT

LB (DNA: PCC, item 18B).

¹ The enclosed resolve specified that persons having claims against "the late Commissary's, Quartermaster's, hospital, Cloathier's or marine department" must "exhibit" them before a proper commissioner "within eight Months." *JCC*, 33:392.

Unfortunately, the copies of the resolve enclosed with Thomson's letter omitted the word "Hospital" from the list of departments, and accordingly he sent the following brief letter to the states on July 31. "There being by Accident an Omission of the word 'Hospital' in the Act of Congress which I had the honor to transmit to your Excellency on the 25, I take the earliest opportunity of rectifying the error by transmitting herewith another authentic copy of the Act." PCC, item 18B, fol. 125.

William Irvine to Robert Magaw

Dear Col.

New York July 28th 1787

I have not seen nor heard from your friends in this quarter since my arrival, & Congress have sat so close that I have not yet had time to take a ride onto long Island.

The Memorial of the Trustees has been read & committed. The Committee have reported extremely favorable indeed Viz. to grant a certain proportion of the building in fee simple—but the report has not yet been taken up in Congress, nor do I wish to precipitate it, untill I sound most of the members. At present however I have not a doubt but the Issue will be as favorable as the most sanguine hope for.¹

Colonel Grayson of Virginia, by my advice will direct a Nephew of his² to be sent to your College. He begs the favor of me to mention this to you as an old Acquaintance of his, and to request the favor of you to procure a suitable lodging for him—and that you will also take a kind of superintendance of him. As the Col. expresses it, he is a high mettled lad—that it is absolutely necessary he should be afraid of some person. Perhaps it will not be amiss to speak to Doctors Nesbit & Davison about him—particularly as, if any thing can be made of him³—it may have a tendency to bring many young Gentlemen to the College. His Name is Orr. He has been two years at the College in this City, but as the Colonels time in Congress will soon expire he does not

wish to leave him here. He will be provided in the first instance with Cash for the first quarter but the Col. proposes to write you by the young Gentleman. Mr. Wilson, has not time to wait as the Stage sets out immediately—which prevents me at this time from sundry matters I intended.

I am in haste, Dr. Colo, Your friend & Servt, Wm. Irvine

RC (PCarLD: Founders Collection). Addressed: "Col. Robert Magaw, Carlisle."

¹ A July 7 memorial from a committee (which included Magaw) of the board of trustees of Dickinson College, proposing "renting or purchasing a part of the public Buildings near Carlisle, for the use of said College," was read July 19 and referred the following day to a committee consisting of William Bingham, Edward Carrington, Abraham Clark, William Few, and Irvine. The committee recommended July 23 that the secretary at war be authorized to sell all the public buildings at Carlisle "which may not in his opinion be necessary for public use," but not until October 17 did Congress authorize the board of treasury to carry out this recommendation—"on the best terms that can be obtained." See PCC, item 42, 7:489-92; and JCC, 32:375n, 380, 33:401, 691.

² That is, Benjamin Grayson Orr.

³ At this point Irvine inserted an asterisk to which he keyed the following note at the foot of the letter: "it is said he has an extraordinary capacity."

Richard Henry Lee to Gilbert Blane

Sir,

New York, July 28, 1787.

Your brother transmitted to me the valuable present that you were pleased to make me of your excellent book on the diseases of seamen,¹ which I have read with much pleasure and instruction. It is certainly a business of great philanthropy to contribute to the health and ease of so valuable and so exposed a part of our species. I pray you, sir, to accept of my thanks for your politeness, and give me leave to assure you, that I am with much esteem and regard, sir, your most obedient and very humble servant,

Richard Henry Lee.

MS not found; reprinted from Richard H. Lee, *Memoir of the Life of Richard Henry Lee*. . . , 2 vols. (Philadelphia: H. C. Carey and I. Lea, 1825), 2:73. Addressed: "Dr. Blane, Physician to his royal highness the Prince of Wales, &c. &c. &c."

¹ That is, Sir Gilbert Blane's *Observations on the Diseases Incident to Seamen* (London: J. Cooper, 1785).

James Madison to James Madison, Sr.

Philada. July 28. 1787. "I am sorry that I cannot gratify your wish to be informed of the proceedings of the Convention. An order of secrecy leaves me at liberty merely to tell you that nothing definitive is yet done, that the Session will probably continue for some time yet,

that an Adjournment took place on Thursday last until Monday week, and that a Committee is to be at work in the mean time. Late information from Europe presents a sad picture of things in Holland. Civil blood has been already spilt, and various circumstances threaten a torrent of it. Many it is said are flying with their property to England. How much is it [to] be lamented that America does not present a more inviting Asylum!

"Congress have been occupied for some time past on Western affairs. They have provided for the Governmt. of the Country by an ordinance of which a copy is herewith inclosed.¹ They have on the anvil at present, some projects for the most advantageous sale of the lands. Col. Carrington informs me that Indian Affairs wear a very hostile appearance;² that money must in all probability be expended in further Treaties; that a General Confederacy has been formed of all the Nations & tribes from the six nations inclusive to the Mississippi under the auspices of Brandt; that a Genl. Council was held in Decr. last in form, near Detroit, in which was considered as a grievance, the Surveying of lands on the N.W. side of the Ohio, the pretext being, as usual that the Treaties which preceded that measure were made by parts only of the Nations whose consent was necessary; and that a united representation of this grievance has been recd. by Congress. That as to the hostilities on Kentucky the Superintendent of Indian Affairs, or in case of his inability to go, Col. Harmar, is ordered to proceed immediately to some convenient place for holding a Treaty with the Hostile tribes, and by that means restore if possible peace in that quarter. In the mean time Col. Harmar is so to post the federal troops as to provide the best defence for the Country, and to call for such aids of Militia as he shall find necessary.

"The Crops of wheat in this & the neighbouring States, and indeed throughout the Continent as far as I can learn have been remarkably fine. I am sorry to hear that your crops of Corn are likely to be so much shortened by the dry weather. The weather has been dry in spots in this quarter. At present it is extremely seasonable just here, and I do not know that is otherwise, elsewhere. I hope Virginia partakes of the blessing."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:118–19.

¹ See Richard Henry Lee to Francis Lightfoot Lee, July 14, note 2.

² See Edward Carrington to Madison, July 25.

Charles Thomson to George Morgan

New York July 28. 1787

I have received your favour of the 25 and herewith send you fourteen copies of the Notes on farming.¹ I wish they may do good; and

would be much obliged if some of those, into whose hands you may put them would, after trying the experiments hinted at, favour me or the public with an account of the success. Farming is a branch of natural philosophy and it is only by experiments that we can hope for success in improving it. A few successful experiments clearly pointed out are better than a whole volume of theory. I am told that some people in the northern parts of this state & in Connecticut have sowed a kind of wheat which they call the white bearded wheat & which baffles the attacks of the Hessian fly. Nay I am informed that small patches of it sown amongst the other wheat have remained uninjured & produced a plentiful crop, while the common wheat around it has been wholly destroyed. I see also mention made in the newspaper that soaking the wheat seed before sowing in a decoction of Alder has preserved the wheat from the ravages of the fly. These experiments are worth attending to, as the fly appears to be advancing into the Country.

There are no persons yet in nomination for the Offices you Mention.² I shall be sorry if any of the worthy French inhabitants suffer by the article against slavery in the western Country;³ but I am so much a friend to that article that let the consequences be what they may I would not wish it altered.

Mrs. T. joins in Compliments to Mrs. Morgan, Miss Nancy, yourself & the rest of the family.

I am Dear Sir, Your obedt. humble Servt., Cha Thomson

RC (DLC: Morgan Papers).

¹ For Thomson's 38-page tract *Notes on Farming* (New York: 1787), see Evans, *Am. Bibliography*, no. 20,599. For his interest in scientific farming and charter membership in the Philadelphia Society for Promoting Agriculture, see Boyd S. Schlenther, *Charles Thomson: A Patriot's Pursuit* (Newark: University of Delaware Press, 1990), pp. 212, 288–89nn.98, 101.

² Apparently those of the governor, secretary, and judges of the Northwest Territory, which were not filled until October.

³ That is, article 6 of the Northwest Ordinance, which declared that "There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in punishment of crimes. . . ." *JCC*, 32:343. In fact however, article 2 of the ordinance was long used to protect the property rights of slave-owning French settlers in the Illinois country. It provided that "in the just preservation of rights and property it is understood and declared; that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements." See *JCC*, 32:340; and Paul Finkelman, "Slavery and the Northwest Ordinance: A Study in Ambiguity," *Journal of the Early Republic* 6 (Winter 1986): 355, 360–68.

William Blount to Thomas Blount

Sir,

Copy Newyork July 30th 1787

As when you were last here you discovered an Inclination to make a Purchase of a large Body of Land from the United States on the North

West of the River Ohio, I presume it will not be unacceptable to you to be informed that the Door is now open to such a Speculation, that is Congress have within these few days sold to Samuel H. Parsons late a Major General in the service of the United States and Associates in Number about nine hundred many of whom have also been Officers and Soldiers, five Millions of Acres of Land situate between the Muskingum and the Scioto at two thirds of a dollar per Acre.¹ Thus the Precedent is established of selling the back Lands in large quantities so that should you still wish to purchase and will come forward with Proposals I have no doubt but they will be equally attended to. These Purchasers mean to settle their Lands without delay—a Circumstance highly pleasing to all Holders of Western Lands and beside this certain Prospect of Population, the Emigration to the Lands on the Western Waters is very great, as you will see by the following Account which you may depend on; being an Official Return to Congress made by Lieut. Colonel Josiah Harmer:² “An Account of the Passengers down the River Ohio taken at Fort Harmer at the Mouth of the Muskingum from October 10th 1786 to May 12th 1787 namely 177 Boats containing 2689 Souls, 1333 Horses, 766 Cattle, 102 Wagons and one Phaeton beside a Number which passed in the Night unobserved,” of these a great part have settled in the Western Part of North Carolina in Davidson County on the Rivers Tennessee and Cumberland. By a late Conveyance I forwarded to you a second L[etter] from my Davidson Friend, dated at Nash-ville May 1st 1787 addressed to the Hon’ble Benjamin Hawkins esquire on the Subject of the Navigation of the Mississippi shewing the undoubted Right of the United States Thereto;³ which I hope you will have received before this reaches you. It has been here published and is much approved of.

I am your’s &c,

Wm. Blount

P.S. The Writer of this Letter conceives if it shall be published in the english News Papers—He means several, that it will be beneficial to himself and associates holding Lands in Davidson County, therefore begs the favour of those to whom it is addressed to cause it to be accordingly published by Way of Extract of a Letter from a Gentleman in Newyork to his Frind in London concealing the name of the Writer and that of the Person to whom it is addressed.

Tr (Nc-Ar: Blount Papers). Addressed: “Mr. T.B. in London, in his Absence Benja. & Alexr. Contee, London.” In the hand of William Blount, and enclosed in the following note to John Gray Blount dated July 31st. “W.B. informs J.G.B. that the foregoing is a Copy of a Letter this day forwarded. J.G.B. will readily see the object of it. [W]hat [is] said of the sale to Parsons and the Return made by Harmar is perfectly true. The $\frac{2}{3}$ of a dollar to be paid in Certificates.”

¹ See Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

² This May 14 report from Harmar to the secretary at war, Henry Knox, is in PCC, item 150, 2:359–68.

³ See Blount to Richard Caswell, July 19, note 2.

Richard Henry Lee to William Lee

My dear Brother,

New York July 30. 1787

As I take it for granted that your Nieces from the Northern Neck are with you by this time, I shall enclose a letter herein for my daughter Molly. I have been here near a month, since which nothing remarkable hath occurred. In Congress, since my coming, we have passed an Ordinance for establishing a temporary government beyond the Ohio for the more perfect security of peace and property among the rude people who will probably be the first Settlers there. The form of this government, as you will see by the enclosed paper, is much more tonic than our democratic forms on the Atlantic are.¹

We have also ratified a Treaty of peace & commerce with the Emperor of Morocco, as you will find also in the paper. This Treaty will give some relief to our Mediterranean Trade, and may facilitate treaties with the other Piratical States.² Congress have just finished a *(Treaty)* Contract with a Company of Adventurers for the sale of five millions of Acres on the Northwest line of the Virga. Cession³ by which sale, after all deductions, we hope to extinguish four millions of dollars of the principal of the domestic debt, which as far as [it has been] liquidated, amounts to twenty seven millions, five hundred sixty nine thousand, five hundred seventy-five dollars & twenty seven ninetieths. It is supposed that when the whole debt is liquidated that it will amount to 30 millions. We are now digesting a plan for selling the land between the Scioto and the great Miami. This is a fine country and the lands equal to any beyond the Ohio. Out of this between the Little Miami and Scioto, is to come the Land for our Line of the late Army.⁴ The impeachment of Hastings⁵ and the Troubles [in Holland] seems to be the principal European news. The Hollanders appear to be fairly engaged in [...] I apprehend threatens them with a fatal interference of the surrounding Kingly powers; who no doubt will be glad of an opportunity to destroy a government ever hateful to Kings. Our federal Convention is yet, and will probably continue to be some time longer, engaged in the great business that collected them. It seems probable that they will propose a government of much more Tone than that which at present attempts to rule the Confederacy.

A small time before I left home, the want of Wine induced me to venture on one of your Quarter Casks at Stratford, and as I was in possession of your terms to be sure I am at mercy. But I have perfect reliance that you will settle the matter justly. After fining it, I bottled it carefully, and exactly five dozen & 2 bottles came from the Cask. These being common quart bottles wish I [...] ⁶ 12 & an half gallons. I [...] ⁷ I know not, the wine is really acid; so [...] I was [...] in Cask & place it in my shed & see if the [...] of the place would restore it—and that it now is—[...] Under these circumstances, you will please to

say what I am to pay and the money shall be ready for your order at [...] November. The states of N. Hampshire, Massachusetts, and Maryland have already sent Congress their Acts [making the?] Treaty of Peace with G. Britain the Supreme Law in all [...] that Treaty, agreeably to the Act of Congress recd. [...] measure as it applied to British debts. [...] eye sight, I hope not so distressed as not to [...] possession of a good portion of that most valuable [land?].

My Love to [...] to the Northern Girls [...] I am my dear brother
[...], Richard [...]

RC (ViHi: Lee-Ludwell Papers).

¹ See Lee to Francis Lightfoot Lee, July 14, note 2.

² See Charles Thomson to the States, July 21.

³ See Lee to Francis Lightfoot Lee, July 14, note 3.

⁴ Secretary at War Henry Knox had warned Congress in a letter of April 26 that hard-pressed military veterans, many approaching old age, would never attain the bounty lands promised during wartime at the present rate of surveying under the Ordinance of 1785, since only about 100,000 of the three million acres necessary to satisfy their claims had actually been surveyed. Moreover, the veterans would never be in a position to "enter into competition with rich speculators" for the remaining 86% of surveyed federal land. He therefore recommended that Congress set aside a military district in Ohio large enough to satisfy all claims, to be surveyed with dispatch at federal expense. On May 2 Congress referred Knox's letter to a committee of five chaired by Edward Carrington and including Egbert Benson, Nathan Dane, Rufus King, and James Madison, which reported on October 12 shortly before the Ohio Company purchase was concluded. On October 22 Congress created two military districts, one of a million acres between the Scioto and Muskingum rivers north of the lands purchased by the Ohio and Scioto companies, and a second tract of several million acres in the Illinois country bounded by the Mississippi and Wabash rivers above the mouth of the Ohio. Although the resolution stipulated that Secretary Knox would validate claims and supervise Geographer Thomas Hutchins in the expeditious survey of the districts, in which no other lands would be granted until all existing bounty claims were satisfied, no surveys were undertaken during the remainder of the Confederation period. See *JCC*, 32:242–43, 246, 33:666, 695–96; *PCC*, item 150, 2:319–21, item 190, fol. 148; Jean H. Vivian, "Military Land Bounties During the Revolutionary and Confederation Periods," *Maryland Historical Magazine* 61 (September 1966): 249–56; and Lester J. Cappon, et al., ed., *Atlas of Early American History: the Revolutionary Era, 1760–1790* (Princeton, N.J.: Published for the Newberry Library and the Institute of Early American History and Culture by the Princeton University Press, 1976), map 61.

⁵ That is Warren Hastings, who was being tried before the British House of Lords, on charges brought by Edmund Burke for his conduct as governor general of Bengal, in a celebrated political trial aimed at discrediting the East India Company.

⁶ Five to six words illegible.

⁷ Four to five words illegible.

Charles Thomson's Memorandum Book

[July 30–31, 1787]

July 30 transmitted to the Office f. f. Affairs to be filed

Letter from Mr Jefferson—Octr. 27th, 1786¹

from Col. Wm. Smith. Feby. 26th, 1787.²

July 31st transmitted to the Office of foreign Affairs—filed—

Letters from Mr Barclay—Feby. 12th, March 29th, 1787.

May 14th tripl[icate] 1786.³

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, June 29, 1787.

¹ See Jefferson, *Papers* (Boyd), 10:487.

² This letter to John Jay is in PCC, item 92, fols. 192–93.

³ These letters from Thomas Barclay to John Jay are in PCC, item 91, fols. 140–41, 338–43.

Nicholas Gilman to Joseph Gilman

Philadelphia, July 31st 1787. “I have the pleasure to inform you of my having arrived at this place on the 21st instant. Mr Langdon arrived a few hours before and, notwithstanding we are so late in the day, it is a circumstance, in this critical state of affairs, that seems highly pleasing to the Convention in general. Much has been done (though nothing conclusively), and much remains to do. A great diversity of sentiment must be expected on this great Occassion: feeble minds are for feeble measures & some for patching the old garment with here & there a shred of new Stuff; while vigorous minds and warm Constitutions advocate a high toned Monarchy. This is perhaps a necessary contrast as ‘all natures difference keeps all natures peace’ it is probable the conclusion will be on a medium between the two extremes.

“As secrecy is not otherwise enjoined than as prudence may dictate to each individual—in a letter to my brother John, of the 28th instant,¹ I gave him (for the satisfaction of two or three who will not make it public) a hint respecting the general principles of the plan of national Government, that will probably be handed out—which will not be submitted to the Legislatures but after the approbation of Congress to an assembly or assemblies of Representatives recommended by the several Legislatures, to be expressly chosen by the people to consider & decide thereon.

“Great wisdom & prudence as well as liberallity of Sentiment & a readiness to surrender natural rights & privileges for the good of the nation appears in the southern delegates in general and I most devoutly wish that the same spirit may pervade the whole Country that the people by absurdly endeavoring to retain all their natural rights may not be involved in Calamitous factions which would end but with the loss of all. . . .”

"P.S. I think the business of the Convention will not be completed untill the first of September."

RC (Nh—Ar: State Papers, Revolutionary Correspondence).

¹ Not found.

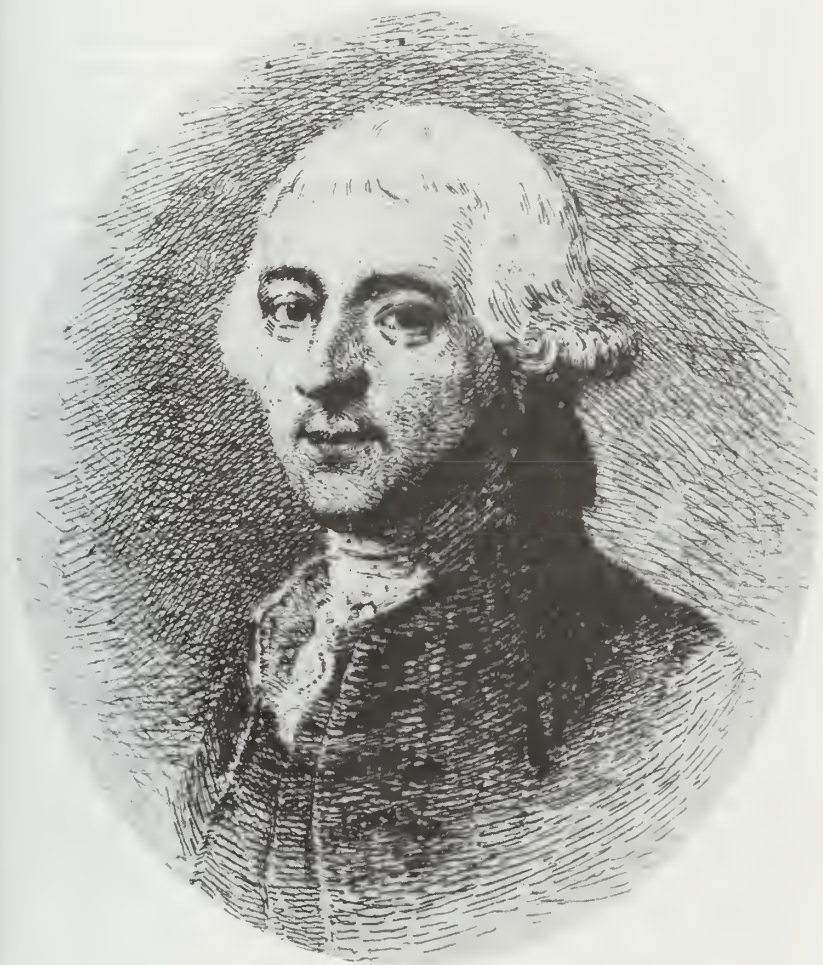
Pierce Butler to Weeden Butler

Dear Sir,¹

New York August the 1st 1787.

Though I came here to change the scene, and pass two or three days in idleness, yet I cannot let the Packett Sail without expressing my Thanks to You for Your two, as usual, very friendly and very acceptable favours of the 20th of February and 18th of April. The former was forwarded to me to Philadelphia in July;² the latter I received yesterday. Allow me first to Congratulate You, which I do with real sincerity, on the restoration of Mrs Butler's health, and Your own recovery; the tidings were highly gratifying to all my family who are as well acquainted with You both, & talk as familiarly about You, as if they had been under the same roof with You. All my letters, that I wrote to You before my departure from Carolina, could not have reachd You when You last wrote to me. My Dear Sir If I was to repeat what I, and my Mrs Butler³ feel, I shoud never cease a moment to thank You and Your good Lady, for Your Parental attention to Our dear Boy. I assure You We feel it in all its force. I will therefore say no more at present on that head. The Accts. You favor Us with of Our Son's disposition—health, improvement in hearing and above all of his conducting himself so as to meet Your approbation, are truly comforting—great as my expectations are I fondly hope they will not be disappointed. I am pleased with his last letter. I think he begins to improve in his writing. I am anxious to have him write a fair, good, free hand. I hope as he advances in Years he will take a studious turn, because he has an infinity to attend to. I think the habitt is or may be acquired early in life—unless he is very bookish, like Your Eldest Son, he can never get through all I shall require of Him. I have my fears on the score of application; but it is to be acquired, I am therefore comforted by knowing he will be put in the way to acquire it. I conclude he learns French, and is also under the Dancing Master's hands, which I wish him to be—other things will come in due season.

My last letter from Carolina woud inform You of my intended visit to Philadelphia. As I declined the Honor my fellow Citizens offerd me of the Chief Magistracy, I could not refuse the last Appointment of Acting as One of their Commissioners to the Convention to be held at Philadelphia. No doubt You have heard of the purport of the meeting—To form a Stronger Constitution on strict Fœderal Principles, for



Pierce Butler

the Governmt. of the whole. I hope We may succeed. Our Country expect much of Us. We have satt every day since the 25th of May till last Saturday when We adjourned for one week—having placed my Family here, Philadelphia not being so healthy, I embraced the opportunity of Visiting them. I go back to Philada. on Sunday; and shall return home the first week in November. In future You may write me, if You please, as may my Son & friend Huger, by the Packett when no Vessel offers immediately for Charleston—when You write by the Packett You may put Your letters under Cover to Mr Meade of Philadelphia. I mean such of Your letters as You think can not reach this by November—any that will get here before then may be directed to myself at Convention in Philada. I observe by the publick Prints that the Mynhiers tired of the blessings of peace and tranquility are courting the Curses of Civil War and Domestick strife—much good may do them. If they had tasted as much of it as my ill luck forced on me, they woud putt away the bitter draught. The Political State of things in America prevents Me for the present, from gratifying the first wish of my heart. I hope the day is not far distant when Our Goverment will shew stronger features of permenancy—then I shall gladly embrace an early oppy of testifying in person, the sincerity and warmth with which I subscribe myself, Dear sir, Yr Very affecte. friend, P. Butler.

[P.S.] My family Unite in presenting their best regards to Mrs Butler & Your flock.

I rejoice at Your being pleased with my friend Doctor Cobham. He is a good Man, possessing the strongest Phillanthropy.

RC (British Museum: Additional Manuscripts, 16,603). Enclosed in a letter addressed to his son Thomas at "Doctor Butlers Chene Walk, Chelsea, London." Endorsed: "Recd. 20 Sept. Ansd. 2d Octr."

¹ A writer and lecturer, the Revd. Weeden Butler (1742–1823) preached at the fashionable Charlotte Street Chapel in London. He was also master of a classical school at Chelsea where Pierce Butler had enrolled his oldest child, Thomas, in 1784. *DNB*. For Pierce Butler's distinguished Irish lineage, his service in the British army before establishing himself in South Carolina in 1773, and his postwar visit to the British Isles, see Francis Coghlan, "Pierce Butler, 1744–1822, First Senator from South Carolina," *South Carolina Historical Magazine* 78 (April 1977): 104–19.

² Butler was a South Carolina delegate to the Philadelphia Convention.

³ That is, Mary Middleton Butler, daughter and heiress of Thomas Middleton and Mary Bull. See *Bio. Dir. of S.C. House*, 3:109.

John Langdon to Joshua Brackett

Philadelphia Augt. 1st. 1787. "I Arrived at this place, twelve days after I left home, haveg made some tarry, at New Haven and New York. If it was not for the Importance of the Errand which I came upon, should

most heartily wish myself at home; Notwithstandg, the Riches and Splendor of this City the Fateigeg [Fatiguing?] Sameness makes me Sick. The Convention, well now see the Convention; Figure to yourself. The Great Washington, with a Dignity peculiar to himself, take'g the Chair, the Notables are Seated, in a Moment, and after a Short Silence the Business of the day is Open'd; with great Solemnity and good Order; The Importance of the Business, the Dignified Characters of many, who Compose the Convention, the Eloquence of Some and the Regularity of the whole; gives a Ton[e], to the proceedings, which is extreamly pleaseg—your old Friend takes his Seat: Concious of his upright Intentions, and as far as his poor Abilities will go keeps his eye Single to what is Righteous and of good Report—the Convention has Adjourned for a few days, to give time to a Committee to Detail the Business."

RC (MH-H: bMS Am 1832).

Roger Alden to Jonathan Trumbull, Jr.

Dear Sir

New York. Augt. 2d. 1787.

I found your letter, containing the final settlements. I have disposed of them at $\frac{2}{3}$ York state Money—as Major Platt did not wish to purchase any—nor could he give more than two shillings in specie. I endeavoured to do the best in my power—but having so many things to attend to, I cannot send you all the specie at present—for I cannot exchange the paper for cash short of 2 pr Cent—and that in crowns. But having occasion to receive some money from the bank this morning, I shall take a part of your paper and give You the silver without any difference. The remainder I will send as soon as I can negotiate it advantageously.

The Convention has adjourned till next Monday¹—a committee of five remains consisting of Mr Gorham, Mr Elsworth, Mr Wilson, Mr Randolph & Mr Rutledge. Mr Sherman & Dr Johnson have returned to Connecticut. I passed one evening at Stratford²—but neither there or here can I learn any thing to communicate.

Congress are engaged deeply in business, and have done more than is commonly the case, since the 4th of July, for the same period of time.

Please to make my compliments to Your family & friends. I hope the Young Ladies have safe returned before this—pleased with their Journey & satisfied with pleasure. Let me hear from you as often as convenient as it is always pleasing to Your friend & Humble servt,

R Alden

[P.S.] I have recd from the bank some paper—crowns—& 50 dollars in quarters which I transmit.³ The remainder I shall send as soon as possible—from, Your friend, RA.

RC (CtHi: Trumbull Papers). Addressed: "Colonel Jonth. Trumbull Esqr, Lebanon."

¹ That is, the Constitutional Convention in Philadelphia.

² That is, at the home of William Samuel Johnson, Alden's father-in-law, who was undoubtedly the source of the information in this paragraph.

³ Alden also wrote the following related note on the outside cover of this letter: "Col. Trumbull will give directions respecting the money sent to Mr Ripley."

James M. Varnum to Samuel Holten

My worthy friend,

August 4th, 1787.

You have several times, hinted the difficulty of expressing, upon paper, one's ideas of an energetic federal government, altho' convinced of the inadequacy of our present system. Permit me to devote fifteen minuits to this subject; and, as detail or amplification is unnecessary to an informed mind, I shall confine myself to principles.

These principles may be considered under two heads. The first as originating from the confederacy, and directing the various powers that should be exercised by the nation collectively, and by the states individually.

The second, as flowing from the nature of civil society, having due regard to the customs, manners, laws, climates, religions, and pursuits of the citizens of the United States. Under this head may be considered the manner of exercising these powers, or the formal government of the nation.

In the first place, whatever respects the citizens collectively, or as immediately relating to the whole confederacy, whether foreign or domestic, must be subjected to the national controul: & whatever respects the Citizens of a particular state, & has relation to them as such, should be directed by the states respectively. But as interferences may sometimes arise, the collective power must decide and enforce. This check would be better placed in the judiciary than the legislative branches.

In the second place: The government of the United States should be so modified as to secure the rights of the different classes of citizens. But as these are distinguished by education, wealth, & talents, they naturally divide into Aristocratical and Democratical. It is necessary then to form a Supreme legislative, perhaps as Congress is now formed, to originate all national laws, and submit them to the revision of a Senatorial body, which shall be formed out of equal districts of the United States, by the appointment of the Supreme legislative, &

whose commissions shall be so modified as to retain an equal number of old Members in office with the new, who may form a succession. In this body should reside the power of making war and peace.

The Execution of the laws, both civil and military, should be placed in an executive council, consisting of a president of the United States, and the Officers of the great departments of War, Finance, Foreign affairs and law, to be appointed by the Senate, & commissioned during good behavior, excepting the President, who should be appointed by both the legislative and senatorial bodies, & commissioned for a term of Years, or for life. All appointments of Judges & other officers civil and military, should be made by the president, by and with advice of the council, & commissioned in his name. These officers should be accountable for their conduct And triable before the respective tribunals before whom their actions would respectively be made cognizable. I think the president should not be liable to any direct prosecutions as in him would reside that part of the sovereignty which displays itself in the etequette of nations.

In this system, the ballance would be secured. Military objects would be directed by the Senate, executed by the president and council, & checked by the fiscal power of the legislative.

The subjects of revenue should be few, simple & well defined; & in case of a very uncommon emergency, the States respectively should be called upon from Contingents, which would form an ultimate and never failing check against encroachments upon the political system.

I am Sir &c.,

J M Varnum

RC (RH: Peck Manuscripts).

Rufus King to Winthrop Sargent

Dr. Sir

Philadelphia 5. August 1787

It will afford me a very sensible pleasure if any influence of mine shall in any measure promote the accomplishment of your wishes to be elected Secretary to the western Government¹—you may be assured my poor interest shall not be wanting. A few hours after the receipt of your letter of the 2d I received a note from Major Turner mentioning his views towards the same Office. I immediately informed him that I considered my small interest pledged in your favor, and that I could therefore with pleasure submit to his Candour what ought to be the Line of my Conduct. Major Turner remarked that he *wd. not* have been your competitor had he been early informed of your expectations; and that in case he failed in the Secretaryship, he *wd. willingly* accept the Office of a Judge. If the appointment of the Officers of the

immediate & full representation of the States in Congress. With the greatest respect, I have the honor to be, Your Excellencys Most Obedient & most humble Servt.
Cha. Thomson

RC (PPIn: Americana Collection). Addressed: "His Excellency The Governor of Connecticut."

¹ These letters are in PCC, item 66, 2:364–69.

Edward Carrington to James Monroe

Dr Sir,

New York August 7. 1787

I had the pleasure to receive your favor of the 26th Ult. You can never confer upon me a greater obligation than by putting it in my power to be serviceable to you. The points to which your enquiries go are not fully within my knowledge as to their present State, but from the general observation of the old gentleman,¹ as well as Miss H—— who sometimes converse with me upon his embarrassments, and the ruinous consequences of what is called the tender Act, I rather conclude that his circumstances are not better than when you left him. Jack returned in the Spring and is still here—it is understood, though I never heard any part of the Family, say a syllable on the subject, that he effected nothing for the relief of his father. The footing upon which I stand in the House, may enable me, upon turning my attention particularly to these points, to acquire some information. I will endeavour to do it, and you shall hear from me. I beg you to give yourself no uneasiness as to the small matter between you and me. Hallet is less importunate than was to have been expected—Constable and Delafield have not said any thing to me lately upon the subject of their claims.

We have at last made a brake into the Western Lands—the Ohio Company have adjusted with Congress a Contract for 4 or 5 Million of Acres in a body on the east side of Sioto at $\frac{2}{3}$ ds of a dol per Acre—to lay it out into Township agreeably to the Ld. ordinance, and leave three sections in each Township, for the future disposition of Congress. This I hold a great bargain for the U.S. as the Land goes good & bad together, and it will be a means of introducing, into the Country, in the first instance, a discription of Men who will fix the Character and politics throughout the whole territory, and which will probably endure to the latest period of time. This company is formed of the best men in Connecticut & Massachusetts—and they will move out immediately. I am about to join them with a few shares—what think you of such an adventure.² The Convention adjourned about three weeks ago, and appointed a Committee consisting of Mr. Rutlege, Mr. Randolph, Mr. Wilson, Mr. Elsworth, & Mr. Gorham to draw into form the measures

which had been agreed upon—they reassembled last Monday sev'night to receive the report. I suppose we shall have the result of this great business in a few weeks more. You shall soon hear from me again.

Present me to Mrs. Monroe and believe me to be, with unfeigned regard, Your Affectionate Friend & HI Servant, Ed. Carrington

RC (DLC: Monroe Papers).

¹ That is, Monroe's father-in-law, Laurence Kortright, whose fortune from the West Indian trade was largely destroyed during the war. See Harry Ammon, *James Monroe: The Quest for National Identity* (New York: McGraw-Hill Book Co., 1971), p. 61.

² Carrington had chaired the committee that structured the contract with the Ohio Company, for which see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

Nathan Dane to Nathaniel Gorham

Dear Sir.

New York Augt. 7. 1787.

I received your two letters respecting the Schooner *Machias*. I called on Mr. Jay early a Monday morning to mention to him the propriety of sending the ratification of the Morocco treaty, &c. by your vessell but I found he was in the Country and has not yet returned. I am Sorry we have had no Congress this week,¹ owing to the absence of New Jersey, that I might have obtained the Sea letter for you—however, the treaty has been ratified by Congress, and a copy of the ratification and Other necessary papers, were some days since, sent to Morocco by the way of France.² We have agreed to the Signals by which American and Morocco vessels are to be known, and transmitted them to the several Governors,³ from whom the necessary papers respecting those signals may be had. I have Stated this circumstance to your brother. I imagine he may get from the Governor of Massa. in a few minutes, a copy of the Stipulation respecting the signals which may answer your purposes.

Your affecta. freind,

N. Dane.

RC (MHi: Miscellaneous Bound Collection).

¹ "This week" Congress was able to convene only on Thursday the ninth, and was then unable to make a quorum again until September 20, for which see *JCC*, 33:466–87.

² For the ratification of the treaty with Morocco, and its transmission via Thomas Jefferson in France, see Charles Thomson to the States, July 21; and Jefferson, *Papers* (Boyd), 11:618–20.

³ These ship signals were transmitted by the secretary for foreign affairs, John Jay, to the governors of the states in the following letter of July 27. "I have the honor of transmitting to your Excellency herewith enclosed a copy of the Signals agreed upon between the United States and the Emperor of Morocco, by which their respective Vessels are to be known to each other at Sea. The design, Sir, of sending you this paper is that such *American* masters of Vessels as may make Voyages from your State, in the course of which they may expect to meet with Cruisers from Morocco, may be supplied with Copies." *PCC*, item 120, 3:265. See also *JCC*, 33:396–97.

Samuel Holten to Nathaniel Appleton

Sir,¹

New York 7th. Aug. 1787.

I have been honored with your attention of the 21st ultimo. And by way of answer, would observe that I think it not likely that Congress will appoint a Consul at the Isle of France at present, for the trade with America, I understand, is but small; however, you may be assured of my attention to the same, as it would give me pleasure to render you services.

I am, with great respect, your most obedient servant,

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ Appleton, a Boston merchant, was the Continental loan officer for Massachusetts. His son Thomas was a merchant at this time established at Rouen, France. See *JCC*, 32:107n, 118–19; and Jefferson, *Papers* (Boyd), 13:367, 14:60.

William Grayson to James Monroe

Dear Sir,

N York. Augt. 8th. 1787.

I have made inquiries agreeable to your request into the affair of Mr. Low & Mr. K.¹—and find that matters are in the same situation as when you left this. Indeed from the manner in which the business has been conducted by Mr. K. it does not appear to me at all probable that he will ever recover any thing from the heirs of his relations in Santa Cruz. You can therefore judge yourself what your expectations ought to be from that quarter. The family are all well: & live very retired, in as economical a manner as possible. Mr. K. when he was sick in the spring expressed to me his great desire of doing some thing for you, & lamented his inability in very pathetic terms. I fear he has judged of the world by his own heart, & thereby greatly injured his own family.

Since my last Congress has passed the Ordinance for the government of the Western country, in a manner some thing different from the one which you drew, though I expect the departure is not so essential but that it will meet your approbation.² You will observe that the consent of Virginia is necessary to intitle the people to *certain rights*, as also that the former Act is repealed *absolutely*. I am satisfied therefore you will do every thing in your power to get the State to alter her act of cession in such a manner, as will square with the Ordinance. It seems the subject was not taken up last year. The clause respecting slavery was agreed to by the Southern members for the purpose of preventing Tobacco & Indigo from being made on the N.W. side of the Ohio, as well as for sevl. other political reasons. After this Ordinance was passed in Congress, the Eastern Ohio Compy. came for-

ward, & have agreed with Congress for between 5 & 6 Million of acres lying between the Scioto & the Western boundy. of the seven ranges & extending back into the Country about sixty M[ile]s.³ On the following terms viz One dollar per Acre, public securities deducting One third of a dollar for bad land & survg. &c. the Compy. to pay half a Million on the signing the contract; half a Million on the line being run by the Geographer & the residue in six half yearly installments with interest in the mean time. The Compy. to lay off[f] the territory in townships of six Miles square. The Compy. to have two sections for religion & education gratis, also two townships for the purposes of an University on the same terms—three sections in each township to be reserved for the future disposition of Congress. I understand this Company mean to settle this country very thick & without delay; of course the adjacent lands will become very valuable; they send forward a number of families this fall; a reinforcement in the spring & a very considerable number fall come twelve month; the funds of the Compy. were only a Million when they made the contract: Since which they has increased in an amazing degree: so that there is not the least doubt but they will perform their part of the contract in all it's parts: and as their objects are actual settlement & defense, there is every reason to conclude it will be of the greatest advantage to that country: from the great number of inhabitants in the Eastern States & in the Jerseys, I should not be surprised to see them in a very few years extend themselves by additional purchases quite to the Mississippi, & thereby form a compleat barrier for our State, at the same greatly validating the lands on the Virginia side of the Ohio. Since the formation of this contract it has occurred to me, that something very handsome might be made in the mean time by purchasing the rights of the Virginia Officers, & laying them on the Scioto, on good land, immedy. joining the Company's purchase & which would immedy. become valuable from their contiguity to these settlements. If you should think with me on the subject, I would willingly join you & our worthy friend Genl. Weedon & John Monro of Westmoreland in a speculation of about eight or ten thousand acres apiece. I once involved you in a scrape, but you know I got you out of it again. With respect to this matter it appears to me so absolutely certain in it's operation that there cannot be the least doubt of success provided the rights are purchased at a low rate which I understand can be effected witht. difficulty. The public lands do not cost the purchaser more than six pence this money per Acre, i.e., two thirds of a dollar, at one for Eight the current price here for public securities; of course the Virga. Officers cannot well ask a higher price. The reason why I would not recommend a purchase in the Compys. lands is because in the first place they are a Compy. & are subject to certain rules, one of which is that no person can take more than five shares. I would notwithstanding ad-



William Grayson

wise Genl. Weedon to adventure as far as one share which is one thousand dolls. in securities as he may thereby introduce his Military Continental claim, the Company being allowed to discount one seventh part in that way.

A Commee. is appointed to draught an Ordinance for the sale of the lands between the Scioto & Great Miami,⁴ on the principle of indiscriminate locations *nearly*: & if the Southern States attend I apprehend it can be carried; this however will not bring any large quantity to market, as after deducting the claims of the Virga. Offs. & Soldiers, & the Continental bounties the residue will not be very considerable.

Mr. Adams has not done any thing at the Court of G. Brittain: he has requested his recall in very pointed terms. Who will be elected to succeed him, or whether Congress will send any body, is more than I can tell: at present they seem much divided on the subject. The Mississippi is where you left it; i.e. nothing has been done. Mr. Jay has in one of his late letters, *decidedly* said he would do nothing *more* witht. the *farther* direction of Congress. I therefore think we are safe for the present.⁵

I remain, Yr. Affect. friend,

Willm. Grayson.

P.S. If you should be able to purchase the quantity of lands, on very low terms, I have to observe, it will not suit me to pay immedy.: a twelve months credit or even longer is essential to my finances. If this indulgence cannot be obtained, I must keep out of the business; this however need not prevent you & the other gentlemen from adventuring. W.G.

RC (DLC: Monroe Papers).

¹ That is, Laurence Kortright, Monroe's father-in-law.

² See Richard Henry Lee to Francis Lightfoot Lee, July 14, note 2.

³ See *ibid.*, note 3.

⁴ That is, the committee on military bounty lands appointed May 2, for which see Richard Henry Lee to William Lee, July 30, note 4. For a resolution adopted in July 1788 regarding these lands, see *JCC*, 34:332–35.

⁵ On May 9 secretary for foreign affairs John Jay had requested that Congress “give me their express Instructions on the Points in Difference between the United States and the Crown of Spain.” Jay’s letter was debated on May 11 before being referred to a committee of five chaired by Dyre Kearny that delivered its report to Secretary Charles Thomson on June 13, although it was not read until Congress achieved a quorum on July 4. The committee recommended that Secretary Jay continue to be bound by Congress’ resolution of August 25, 1785, but the report was apparently not acted on.

In the meantime, however, the Spanish minister, Don Diego de Gardoqui, had written to Jay on May 12 requesting that he be given “whatever Communications may be in your Power relative to the Negociation” to enclose with his dispatches to Madrid. Jay submitted Gardoqui’s letter to Congress that day together with his reply that he would lay the minister’s letter before Congress, “on whom the further Progress of our Business now wholly depends,” and convey their answer without delay. Grayson is undoubtedly referring to Jay’s letter to Gardoqui. See *JCC*, 32:277, 288–90, 292n.1, 299–300; *PCC*, item 80, 3:259–65, item 120, 3:214–17; and *Diplomatic Correspondence, 1783–89*, 3:254–55.

Samuel Holten to Nathaniel Gorham

Dear Sir,

New York 8. Aug. 1787.

My health is such I have concluded to leave Congress in a few days, & therefore, the state will not be represented, I conclude, till you or Mr. King can attend.¹ The appointment of some of the first officers in the New proposed state, Northwest of the River Ohio, seems to engage some attention here. I will enclose the names of some persons that have been put into my hands; you will make such use of them as you think proper: I think the appointments will be considered of importance to our people that are about to remove into that country. My present thought is that I should favor G. Sinclair to be Govr.; & permit me to recommend to your particular notice my friend Majr Sargent to be Secy.² Please to make my respectful compliments to Mr. King; & I wish him to be made acquaintd. with the contents of this address.

I have the honor to be, with great respect, your most obedt. servant

FC (DLC: Holten Papers). In the hand of Samuel Holten.

¹ Holten last attended Congress on August 9, leaving Massachusetts (with only Nathan Dane in attendance) unrepresented until September 20 when Gorham and Rufus King arrived from Philadelphia following the adjournment of the Constitutional Convention. See Appendix.

However, after his return home Holten briefly considered returning to Congress, which he explained in the following letter to Dane dated "Danvers 23d Aug. 1787." "As indisposition was the cause of my leaving N.Y. & finding that the journey has been of real service to me on that account, I begin to think that an other journey back again may make additions to it, & if I should continue to be of the same opinion, you may expect to see me at N.Y. in Sept.

"I hope you have a Congress, as it gives me concern when I consider the state I left you in.

"I wish to have the earliest information from the convention, for their report will engage my attention, if able." Holten Papers, DLC.

² Arthur St. Clair was elected governor and Winthrop Sargent secretary of the Northwest Territory on October 5. *JCC*, 33:610.

Arthur St. Clair to Horatio Gates

Sir

New York Augt. 9th. 1787

By a Resolution of Novr. 4th 1777, a copy of which I have the honor to enclose, The Thanks of Congress in their own name, and on behalf of the Inhabitants of the united States, were ordered to be presented to you.¹ It was farther ordered that a Medal of Gold should be struck, under the direction of the Board of Treasury, in commemoration of that great Event when an Army of six thousand Men, under Lieutenant General Burgoyne surrendered themselves to You Sir, upon

Terms honorable and advantageous to these States. That Medal, Sir, has executed, and was lately put into my Hands to be presented to you, agreeably to the Resolution. You will herewith receive it, and I do in the Name and by the Authority of the united States present you with the same,² happy in the Circumstance that my public duty coincides so perfectly with my private Sentiments, and pleased that the Memory of an Event so glorious to you Sir, and so beneficial to your Country will thus be preserved to the latest Generations.

With the sincerest Wishes that you may long live to hear that well earned mark of honorable Service and of public Gratitude, and every Sentiment of personal Respect and Esteem, I have the honor to be, Sir, Your most obedient and very humble Servant,

Ar. St. Clair, President of Congress

RC (NN: Emmet Collection, no. 8125). Addressed: "The Hon'ble Majr. Genl. Gates with a small Box containing a Gold Medal recommended to the particular care of the Post Master at Alexandria. Free Ar. St. Clair." Endorsed: "Received Sunday 26 August, 1787, at Travellers Rest."

¹ See *JCC*, 9:862.

² The medal was actually struck in France, and was delivered to Congress with a May 4 letter from Thomas Jefferson's secretary, William Short, for which see *JCC*, 32:306n, 308n; *PCC*, item 87, 2:5; and Jefferson, *Papers* (Boyd), 11:144.

Arthur St. Clair to Jeremiah Wadsworth

Sir

New York August 9th. 1787.

In pursuance of a Resolution of Congress of October 29th 1781 a Copy of which I have the honor to enclose,¹ a Golden Medal, emblematic of the Battle near the Eutaw Spring, and the Victory there obtained over a superior number of the British Troops through the wise, decisive, and magnanimous conduct of the late Major General Greene has been compleated, and put into my hands to be presented. It is much to be regretted and I do most sincerely regret, that General Greene did not survive, to receive this farther testimony of the sense his Country had of his services, particularly of the gallant action at the Eutaw. The Memory of it however will be thereby long preserved, and it cannot fail to be very acceptable to his Family; and when the Story is related to his Children, and the design of the Medal explained to them, as it will be, whilst their veneration for their Father is encreased, a sense of Gratitude and Affection for their Country, thus careful to record his Glory, must be raised in their tender Minds, and the generous resolution instantly formed to step forward in its service, in the same honorable Path should it ever be necessary, with the honest hope of meriting like Rewards. To You sir as one of the Executors of the

General and the nearest, I commit the Medal²—and am with great personal respect, Sir, Your most obedient and very humble Servant,
Ar. St. Clair, President of Congress

RC (PHC: Roberts Collection).

¹ See *JCC*, 21:1083–84.

² For the receipt of this medal, which was struck in France, and Secretary Charles Thomson's report on its distribution, see *JCC*, 32:306n, 308n, 33:421–23; *PCC*, item 87, 2:1; and Jefferson, *Papers* (Boyd), 11:144.

Charles Thomson to the States

Sir (Circular) Office of Secretary of Congress, Aug 10. 1787

I have the honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the Month of July.¹ By this and the former statements your Excellency will see that since the first Monday in November last the United States have not been represented more than three days by 10 States, thirty days by 9 states And forty days by 7 & 8 states. I submit this to the Consideration of your Exy and have the honor to be, With the greatest respect, Your Exy. most obedt & most humble Servt

LB (DNA: PCC, item 18B).

¹ Enclosure not found, but a July attendance list has been created by the present editors from the journals of Congress and inserted in the Appendix of this volume with the ten other monthly attendance lists sent to the states during the Congress of 1786–87.

Edward Carrington to James Madison

Dear Sir,

New York Augt. 11. 1787

I am favored with yours of the 3d & 8th Instt.¹ The whole delegation have received letters from Mr. Anderson similar to that which he wrote you. I beleive Mr. Maurey has been equally extensive in his applications.² I will mention to our Colleagues your suggestion of giving the names and wishes of those Gentlemen to Mr. Jay. I return you Mr. Fitch's letter with a note of the Secretary upon it, which furnishes a satisfactory answer.³

I received a letter from Major Turner⁴ upon the subject of the Secretarship, previous to which I had turned my views for that appointment, upon a Worthy Man, Major Sergeant, of this I informed the said Turner. He has again written me that he will not stand in competition with his freind Sergeant, & will take a chance for a Seat on the Bench.

My ideas of his fit[n]ess for such an office are favorable, and it will give me pleasure to be instrumental in placing him there. When these appointments, or any other business will be done, I know not. The departure of No Carolina & Georgia left us only 7 States, and the day before yesterday we lost another in the decampment of Doctor Holton, whose declining State of health obliged him to retrograde. The doctor is tolerably free from localities, and I am sorry to lose him: but on account of the breaking up of Congress, we have but little to regret, unless there had been an early prospect of raising the number of States above 7, for with that number, I think, there will never be a good act passed. All the indian affairs still remain to be acted upon, and many other things of great consequence. The President has been requested to write to the States unrepresented, pressing upon them the objects which require the attendance of their delegations, & urging them to come forward,⁵ amongst these Objects is that of the report of the Convention, which, it is supposed, is now in the State of parturition. This bantling must receive the blessing of Congress this session, or, I fear, it will expire before the new one *will* assemble; every experiment has its critical stages which must be taken as they occur, or the whole will fail. The peoples expectations are rising with the progress of this work, but will desert it, should it remain long with Congress. Permit me to Suggest one idea as to the mode of obtaining the accession of the States to the new plan of government. Let the convention appoint *one* day, say the 1st of May, upon which a convention appointed by the people shall be held in each State, for the purpose of accepting or rejecting in toto, the project. Supposing an act of the ordinary legislatures to be equally authentic, which would not be true, yet many reasons present themselves in favor of special conventions—many men would be admitted, who are excluded from the legislatures—the business would be taken up unclogged with any other—and it would effectually call the attention of all the people to the object as seriously affecting them. All the States being in convention at the same time, opportunities of speculating upon the views of each other would be cut off. The project should be decided upon without an attempt to alter it. You have doubtless found it difficult to reconcile the different opinions in your body. Will it not be impossible then, to reconcile those which will arise amongst numerous assemblies in the different States? It is possible there never may be a general consent to the project as it goes out; but it is absolutely certain there will never be an agreement in amendments. It is the lot of but few to be able to discern the remote principles upon which their happiness & prosperity essentially depend—the many must be asked to consent to, but not⁶

¹ Not found.

² Apparently Richard Anderson and James Maury, the latter of whom was seeking the appointment of consul at Liverpool. See Madison, *Papers* (Rutland), 10:145n.2.

³ Undoubtedly John Fitch who was seeking congressional aid for the development of his steamboat, a 45 ft. model of which he demonstrated on August 22 on the Delaware River in Philadelphia before a large group which included most of the delegates to the Constitutional Convention. See these *Letters*, 23:308; and *DAB*. The "note of the Secretary" has not been identified.

⁴ That is, George Turner who had been seeking the office of secretary of the Northwest Territory, to which Winthrop Sargent was appointed in October.

⁵ See Arthur St. Clair to Certain States, August 13.

⁶ Thus in the RC.

Nathan Dane to Rufus King

Dear Sir

New York Augt. 12. 1787.

I shall be fully agreed in appointing Major Sargent Secretary, &c.¹ but a number of respectable characters are going into the Western Country from the Eastern States, among which, I think, some proper characters for Judges will be found. I am but very little acquainted with Major Turner²—but I can in this, and on other occasions place confidence in your opinion. I think it is probable, that no settlements will be made in that Country this fall, and therefore, Congress will for sometime delay the appointment of Officers³—in the mean time several gentlemen may be presented for the vacant offices, and we may consider the characters, and direct the elections as may appear to be most politic and prudent. Much will depend on the directions given to the first settlements in my opinion, and as the Eastern States for the sake of doing away the temporary government, &c. established 1784 and for establishing some order in that Country, gave up as much as could be reasonably expected, I think it Will be Just and proper in them to establish as far as they can, consistently Eastern politics in it, especially in the State adjoining Pennsylvania. You are informed, I presume, of the terms of the Ohio contract—all circumstances considered I think they are advantageous to the public.

Doctor Holten left this place last Friday to return to Massachusetts, which broke up Congress. I wished him very much to have postpone[d] his Journey but we could not prevail upon him to do it—indeed he was too unwell a man to be here and attend to business. I imagine it will be with great difficulty that he can reach home. I am very sorry he was obliged to leave Congress not only as it leaves the State unrepresented but as it has deprived me of an agreeable Colleague. The Dr. you know is not a man able to do a great deal of business, but he is a polite, agreeable man, and a man of sound good politics. We shall probably have a Congress to morrow, and I believe for

the first time not one New England State upon the floor. I wish you would inform me as soon as you conveniently can, what prospect there is of our States be[ing] represented, and when. It depends entirely on your or Mr. Gorham's taking a seat in Congress. There is no prospect of Dr. Holten's returning—if neither of you can attend for 4 or 5 weeks to come, I think it will be best for me in the intermediate time to make a short visit to Massa. as my private concerns now make it almost absolutely necessary I should. I am now the only member in Congress from the 4 Eastern States. There are now before Congress several objects respecting Indian affairs, &c, respecting Mr. Adam's return to America, and directing in what manner the affairs of our legation at the Court of London shall be conducted after his return, the requisition &c, &c which we never ought to leave entirely to the Southern & Middle States—it is evidently the object of several gentlemen to put the affairs of our Legation at London in to the hands of Mr. Jefferson.⁴ This is a thing we can by no means agree to. As to other foreign matters we have pretty well dispatched them for the present. Instructions are gone to Mr. Jefferson respecting the Consulate, & to Mr. Adams respecting the infractions of the treaty as reported by Mr. Jay nearly. The necessary measures respecting the Morocco treaty have been taken;⁵ proper letters to the Empire & the King of Spain, &c, have been sent—some measures relative to our house at the Hage,⁶ prisoners at Al[gie]rs, &c. We have allowed depreciation to the marine as reported by the board⁷—and finally settled D. Campbell's affairs—and allowed him the pay of a D quarter master.⁸ We have limited the time for bringing claims against the union &c &c.—measures not deserving any particular notice.

Bruce has come forward with Jackson's accounts, and in order to Get the board of Treasury to pay a part of the balance due to him which he says is about 10,000 Dollars—Massa having paid £4,000 Law. M[oney]. This is mortifying after so much was promised on the part of the state towards supporting the troops.⁹ I am not yet informed what is like to be done.

Your's,

N Dane

RC (NHi: King Papers).

¹ That is, Winthrop Sargent, who was appointed secretary for the Northwest Territory October 5. *JCC*, 33:610.

² Undoubtedly George Turner, for whom see the preceding entry, note 4.

³ For the appointment of officers for the Northwest Territory October 5 and 16, see *JCC*, 33:610, 686.

⁴ This observation was apparently prompted by the report of the secretary for foreign affairs, John Jay, on the future of the American mission to London after John Adams' anticipated return to America, which was submitted to Congress July 26 and debated August 1. See *JCC*, 33:415–18, 446–48.

⁵ See Charles Thomson to the States, July 21.

⁶ For the allowance made to Charles W. F. Dumas for expenses related to the repair of the residence of the United States minister to the Hague, see *JCC*, 33:404–5.

⁷ For this August 1 resolve, see *JCC*, 33:446.

⁸ See *JCC*, 33:430–36, 439–40.

⁹ Col. Henry Jackson had been in command of the Continental troops stationed at West Point. For the assumption of his accounts by Massachusetts, and the crediting of this charge to the state's Continental account, see Massachusetts Delegates to Peter Boyer and John Deming, February 14, 1788, note.

James Madison to James Madison, Sr.

Philada. Augst. 12. 1787. "The Convention reassembled at the time my last mentioned that they had adjourned to. It is not possible yet to determine the period to which the Session will be spun out. It must be some weeks from this date at least, and possibly may be computed by months. Eleven States are on the ground, and have generally been so, since the second or third week of the Session. Rhode Island is one of the absent States. She has never yet appointed deputies. N.H. till of late was the other. That State is now represented. But just before the arrival of her deputies, those of N. York left us. We have till within a few days had very cool weather. It is now pleasant, after a fine rain. Our acct. from Virga. give us but an imperfect idea of the prospects with you. In particular places the drouth we hear has been dreadful. Genl. Washington's neighbourhood is among the most suffering of them. I wish to know how your Neighbourhood is off."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:146.

Arthur St. Clair to Certain States

Sir New York [August 13, 1787]¹

The want of a due Representation in Congress, so frequently as it has happened, and for a length of time together, has very greatly embarrassed the Affairs of the Union, and given much dissatisfaction to the States which generally keep their Representations up, as well as disgust to the Members who attend from those States. It has been very often complained of, and the States not represented pressed to send their Delegates forward; too often, I am sorry to be obliged to observe, Sir, with very little Effect, although it must be obvious that, independent of the great national Concerns which thereby suffer an inconvenient, at least, if not a disgraceful Delay, their own particular Interests run some risque from public Measures being adopted without the Aid of their Counsels.

What, Sir, must the Nations of the World Think of Us when they shall be informed that we have appointed an Assembly and invested it with the sole and exclusive power of Peace and War, and the management of all national Concerns, and, during the Course of almost a whole Year, it has not been capable, except for a few Days, for want of a sufficient number of Members, to attend to these matters. Since the first Monday in Novr. last to this time there has been a representation of nine States only thirty Days, and of ten States only three Days. And, as the Representation of most of the States has consisted of only two Persons, no great Business could be done without the unanimous Consent of every individual Member.

We are now Sir reduced to six States altho' matters of the highest Importance are pressing for a Decision, and cannot be long delayed without committing the Dignity of the Government, and exposing the Peace and safety of several of the States. Besides, Sir, the national Convention, to which the People look up for much good will soon rise, and it appears to be of great Consequence that, when their Report comes under the consideration of Congress, it should be a full Congress and the important Business which will be laid before them meet with no unnecessary Delay.

The Secretary wrote, not long ago to the unrepresented States,² but no Effect has yet appeared to follow from it. I must therefore again repeat the Request, and in the most pressing terms, that your Excellency will use every means in your power to hasten forward the Delegates of your State.

With great Respect and Esteem, I have the honor to be &c &c,
Ar. St. Clair, Presdt.

LB (DNA: PCC, item 16). Addressed: "A Copy of this Letter was sent to the Governors of Georgia, Maryland, Connecticut, Rhode-Island and New Hampshire." RC's at CiY (Franklin Papers), PHi (Dreer Collection and Gratz Collection), and R-Ar (Letters to Governors).

¹ Date taken from RCs.

² See Charles Thomson to Certain States, July 7.

Charles Thomson to John Ettwein

Dear Sir

New York Aug. 15. 1787

On the 27 of last Month I received your letter giving an Account of the situation & present circumstances of the Indian congregation.¹ I communicated it [to] Congress who have been pleased to order a quantity of land around & adjoining the towns of Gnadenhutten, Schoebrun and Salem on the Muskingum to the amount of ten thousand acres in the whole to be set apart and the property thereof vested

in the Moravian Brethren at Bethlehem in Pennsylvania or a society of the said Brethren for civilizing the Indians & promoting Christianity, in trust and for the uses expressed in the Ordinance passed the 20th May 1785, including Kilbuck & his descendants and the Nephew & Descendants of the late Capt White Eyes, Delaware chiefs who distinguished themselves as friends to the cause of America.²

I think it might be well to have the boundaries of the land ascertained, and if you should think the quantity reserved is two [too] small, I have little doubt but upon a proper representation previous to the taking a deed, it might be enlarged. I most heartily wish you success in your laudable endeavours for the benefit of those poor people, & that this may be a mean of forwarding them.

With Love to the Brethren, I am Dear Sir, Your obedient humble
servt,
Cha Thomson

RC (PBMCA: Ettwein Papers).

¹ Bishop Ettwein's letter is not in the PCC, but for the context of his appeal see Thomson to Ettwein, August 26, 1786.

² This July 27 congressional order actually directed the board of treasury to "except and reserve out of any Contract they may make for the [Manasseh Cutler-Winthrop Sargent] tract," 10,000 acres for the purposes here specified, for which see *JCC*, 33:429-30.

John B. Ashe to Richard Caswell

Sir

New York 16th. Augt. 1787

I had the honor this day, to receive your Excellency's favour of the 11th of July,¹ inclosing a receipt of Mr. Robert Stewarts to Mr. Whitaker for 110,104 lb of Tobacco, which I shall pay every necessary attention to, Also, a Copy of your letter of the 15th of Jany last,² to the Delegation, requiring their attention, towards procuring the Muster Rolls, of the line of our State, or duplicates of them, and forwarding of them to you; rest assured Sir, in this, we have not been inattentive, early in March we procured an order of Congress directing the Secretary at War to furnish us *with Duplicates*, but the Pay Master with his principal Clerk, going shortly after, to Virginia on public business, and who, has not yet return'd, has been the cause, (and is yet) of our not obtaining them, he is hourly expect'd, when the Secretary promises them without delay.

Colo. Blount and myself brought forward a resolution, purporting Congress's disavowall of such part, of the Hopewell Treaty, as ceded certain Territory within the limits of the States to the Indians as hunting ground, and stated our claim to the Same,³ which Statement was thought insufficient, and as the boundary of a State, was of a very weighty and consequential nature, we concluded it best to let the busi-

ness rest thus, untill we cou'd procure every document necessary to Support our claim to which end I will be obliged to your Excellency to procure, (from amoung the old Council papers where I presume it was lodge[d]) and Send forward, those Temporary lines, extend'd and confirm'd by Commissioners, appoint'd by the Legislatures of North, and So. Carolina, agreeable to the order of the late King George the 2nd which are the lines peremptorily claim'd, in our Bill of rights as our Southern boundary, and from which we cannot varie; Congress by this Treaty, and the application of No. Carolina must be thrown under some embarrassment, for it's obvious, they cannot ratify an act, so flagrantly abusive in its consequences, if enforced, also in express words contrary to the confederation, and our Bill of Rights; and to disavow a compact, or part of a compact enter'd into by their Servants, they may consider as impolitic and improper. I will further trouble your Excellency, with Sending forward to the delegation a resolution of the last Assembly's expression of their opinion of the Indian Treaty, and giving some directions to their delegates. I am, and have been here alone for some time, have expect'd Mr. Burton to arrive every hour, for three Weeks past, I now much despair of his coming on at all. Shou'd he not, Mr. Blount promises me he will return at the rising of the Convention, when we hope to have a very full Congress.⁴

Hoping your Excellency enjoys your health, I beg leave to remain, with Sentiments of respect, Your Excellency's Very Obedt. And Very hum. Servant,

John B. Ashe

RC (ICN: Ayer Collection).

¹ This letter from Governor Caswell to the North Carolina delegates is in *N.C. State Records*, 20:737.

² See *ibid.*, p. 604.

³ For this April 25 motion, and the North Carolina Assembly's January 6 instructions to the state's delegates in Congress protesting provisions of the federal treaties concluded with the southern Indians at Hopewell in January 1786, see *JCC*, 32:237–38.

⁴ Ashe had returned to his seat in Congress on August 13, but North Carolina remained unrepresented until Robert Burton arrived September 13. William Blount and Benjamin Hawkins had last attended August 3, Blount returning to Philadelphia to resume a seat in the Constitutional Convention, and Hawkins enroute to North Carolina. See *JCC*, 33:463, 466, 484–86.

From Philadelphia Blount wrote a letter to his brother John Gray Blount on August 9 concerning the nail making business, which is in Blount, *Papers* (Keith), pp. 331–32. And Hawkins wrote to Gov. Caswell from Philadelphia on August 14 concerning prospects for keeping the state represented at Congress, for which *N.C. State Records*, 20:761. An August 13 letter from Timothy Bloodworth to Caswell declining his recent appointment to Congress is at *ibid.*, p. 757.

John Kean to Jeremiah Wadsworth

Sir

New York, August 16th. 1787.

Mr. Wilcox who is from your State came to South Carolina about three years ago & has been in my employ during my absence from that country. He wants to better his circumstances by trading and has requested me to mention him to you. I can vouch for his honesty, assiduity and zeal—and can further say that if you wish to extend your commercial concerns the Town of Beaufort (where Mr Wilcox means to settle & where I reside) offers a fair opening of doing it to advantage—the people around it are more free from debt than any other part of the State & contracts have been better complied with than the nature of our laws gave any right to expect they would. Three or four thousand pounds Sterling might be annually employed to an advantage in the greatest probability of 25 or 30 per Ct. net profit & the payments received in Rice & Indigo chiefly.

The Navigation is easy & the best harbour & greatest depth of Water in the State.

Mr. Wilcox's ideas perhaps will not extend to a capital so large as that I mention.

I have now to apologize to you Sir for the liberty I have taken, but as my motive is benevolent I flatter myself that my presumption will meet your pardon & the Young man your patronage if it suits your views & convenience.

With much respect, I have the honor to be, Sir, Yr. Obt. Servt.,

John Kean

RC (CtHi: Wadsworth Papers).

Nathan Dane to Samuel Holten

Dear Sir,

New York Augt. 17. 1787.

The enclosed I found in the post office which I do myself the pleas[ur]e to forward to you.

Nothing of importance has occurred since you left this place—there has been no Congress—tho we expect N. Carolina here every day—when Congress will proceed to business. Mr. King was here a day or two but has returned to the Convention—he thinks the Convention will report sometime in the first week in September. The mem-

bers of it I find will be pretty unanimous according to present appearances. I hope in a few weeks to be able to let you know more about this important subject.

With great esteem and respect, I am, Dear Sir, Your sincere & assured friend,

N Dane

RC (PHi: Charles F. Jenkins Collection).

William Blount to Richard Caswell

Sir, Philadelphia, Monday, August 20th, 1787

In a Letter from New York I informed your Excellency of my reasons for leaving the Convention and returning to that place with Mr. Hawkins to represent the State in Congress.¹ On Monday the 6th Instant the Committee of Detail made their Report to the Convention and on the Morning of Tuesday the 7th Hawkins and myself returned here and I again took my seat in Convention, so that tho I was not present all the Time the Convention was debating and fixing the Principles of the Government, I have been and mean to continue to be present while the Detail is under Consideration, that is until the Business of the Convention is completed. From 10 to 4 O'Clock are the invariable Hours of Session and as much Unanimity as can be expected prevails, yet I believe the Business will not be completed in less than a Month from this Time. Mr. Davie left us on this day Week, his Business at the approaching Superior Courts called him so pressingly that he could not stay any longer. If he could have complied with his own Inclination or those of the Delegation of the State he would have remained during the Session. Mr. Martin informs us that on Monday next We must also submit to his leaving us. I wish it could be otherwise. He I believe writes you himself by this Conveyance. Mr. Ashe has arrived at New York and on Thursday last had no Colleague but from his Letter to me² he daily expects Mr. Burton and I hope he will not be disappointed for if he should remain without a Colleague³ untill the Convention sends forward their work to Congress I shall consider it my duty and act accordingly, disagreeable and inconvenient as it may be to return to New York and join him in representing the State to the End that North Carolina may do her duty in Congress in recommending to the respective States whatever may be recommended by the Convention. Your Excellency is not now to be informed that I am not at Liberty to explain the Particulars of the Mode of Government that the Convention have in Contemplation but I will venture to assure you that it will be such a Form of Government as I believe will be readily adopted by the several States because I believe it will be

such as will be their respective Interest to adopt. I have the honor to be, Your Excellency's Most Obedient Humble Servant,

Wm. Blount

RC (Nc-Ar: Governors' Papers).

¹ See Blount to Caswell, July 19.

² Not found.

³ For Robert Burton's arrival at Congress September 13, see John B. Ashe to Caswell, August 16, note 4.

Richard Henry Lee to Richard Bland Lee

My dear Sir,

New York August 22d. 1787

I thank you for the information that thro my brother I have received from you of the health of my family—but my satisfaction was much allayed by the account of your fathers illness.¹ I hope however that on your return from Loudon you may have it in your power to relieve us by intelligence of his recovery.

In my last letter to your brother of Stratford² I mentioned a request to you that I will here repeat, least that letter should not have reached him before you left Westmoreland.³ I requested him to inform you that when my first quarter ended, which would be on the 13th of September, I should, thro you, forward my Account to the Treasurer of that quarters wages, with an account also, of what should be due at the close of the federal year in November, which will be about £112 our currency—And requesting that you would be so good as make provision for making me a remittance of that sum when you should receive my accounts aforesaid. This, I think was the plan proposed to me by the Treasurer before I left Virginia.

Since the affair of Mr. Morris's protests, I apprehend that it will not be easy to get Cash here for bills on Virginia—And therefore it was that I requested the favor of you to contrive a remittance to me here—and I suggested the probability of being supplied with a good bill on this City by Murray & Co. in Alexandria the half of which house resides in this Town. But this I leave to your judgement, observing always that a draft payable here will suit me better than on Philadelphia, and the fewer days sight the better. How did the Crops appear when you left Westmoreland, or have we, in the Northern Neck been favored with any of the plentiful rains that have refreshed this part of the world?

You will see all the news that we have, retailed in the publick papers, so that I need not trouble you with that. For four or 5 weeks after my first arrival here we were fully employed with business in Congress—for a few days past a cessation has taken place by the sick-

ness of some members, the inattention of others, and by some going to the Convention. In a few days we expect 8 or 9 States. The report of the Convention is expected in Congress about a fortnight hence, and great are the public expectations concerning it. Tis expected that a federal Legisla[tur]e of 3 branches will be recommended, with independe[nt] powers, and supreme for external matters, revenue, & Commerce—With an Executive well toned and of reasonable duration. I wish you every happiness and am very sincerely your affectionate friend and Kinsman,

Richard Henry Lee

RC (PHC: Roberts Autograph Collection).

¹ That is, Henry Lee (1729–87).

² Not found. Richard Bland Lee's "brother of Stratford" was Virginia delegate Henry Lee (see Henry Lee to Richard Bland Lee, April 4, 1786), who had returned to Virginia, according to his accounts, in late June. Continental Congress Papers, Vi. Edmund C. Burnett notes the date of his return as July 17 (Burnett, *Letters*, 8:xcviii), but that supposition is based on erroneous assertions made by the editors of the modern edition of the journals that Charles Thomson's listings of the motions, votes and committee assignments of "Mr. Lee" from July 17 to August 9 meant Henry Lee rather than Richard Henry Lee, who had presented his credentials on July 9. Cf. *JCC*, 32:279–87, 293, 310, 343, 351, 376–77, 33:447–48, 450, 463, 467n.2; and *PCC*, item 190, fol. 164. In his accounts, Henry Lee claimed a resumption of service "from the 15th August," although he is not listed in the journals again until September 24. See *JCC*, 33:516, 518–20. The first literary evidence for Lee's return to New York is Edward Carrington's September 23 statement that he had confirmed with "Mr. H. Lee" their mutual support of the new constitution, for which see Carrington to James Madison, September 23, note 4.

³ Richard Bland Lee was a Loudon County delegate to the Virginia House of Delegates at Richmond. *DAB*.

Charles Thomson's Memorandum Book

Augt. 22d [1787]

Delivered to Col. Duer by order of Mr Thomson a letter addressed to Mr John Adams,¹ containing duplicates of bills of exchange remitted. Opened by Chancellor Livingston, late secy. for foreign Affairs, Augt. 17th, 1787.

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, July 30–31, 1787.

¹ Not identified.

Nathaniel Gorham to Caleb Strong

My Dear Sir

Philadelphia Augt 29 [1787]

I recd your favour from N York and was pleased to find that you had

got on so well. Inclosed is a Letter that came to hand for you. We have now under consideration the 18th Article which is that the United States shall guarantee, &c. &c.

I am in hopes we shall be done in about 20 days. There are several things referred which will take some time.

Remember me to our friend Sedgwick.

MS not found; reprinted from John Franklin Jameson, "Studies in the History of the Federal Convention of 1787," American Historical Association, *Annual Report*, 1902 (Washington, 1903), 1:100.

Abraham Yates to Henry Oothoudt and Jeremiah Van Rensselaer

Gent.¹

New York 29 August 1787

I have Waited on Mr Burrel² with the Certificates of Coll Yates³ Who tells me that it is totally out of his line and Referred me to Mr Milligan the Audithor. I then waited on the office of Mr Miligan (he not in Town) with a veiw to be informed wether the Certificates can be Changed and then Inform myself from you if exchanged you Could Receive them. The Clerks tell me the Certificate No. 4966 having been issued and a Return thereof made by Coll Quackenboss may be exchanged; that is lodged in the office and a paper Signed Jos Nourse will be received in return. But the other No. 681, 679, 682 Being issued by Em. Grant Q.M. And he not having Made his Return and untill he does make his return (that is I suppose renders an account) in this office Nothing can be done. I therefore return you the Certificates With this Information for you or Yates to do as you Judge best.

In Respect to Congress this is now About a fortnight there has not been Seven States. I am sometimes not without my suspitions (you know I am a Suspitious Man) that it may give waith to the Measures of the Convention. Mr King was here the begining of the week before last told me the Convention would he supposed Report by the first of September, last week it was reported (in the Congress Room) that a Misunderstanding had happnd In the Convention that they were now so far from Agreeing that it would be a doubt wether they would Agree in time so as that this Congress can take up the Matter. Since I have been informed that there is an Additional Difficulty Ariseing from the Massachusets Members, All Along four have Attended, one of the four (I Suppose a high flier) is gone home the Others Refussing to agree to what was Intended to be reported.

These are Information I have Picked up from the Members of Congress and I begin to Suspect that the Secrecy has a Stronger operation

upon me (my sentiments being so Well known) as upon others that Differ. Upon the whole I believe you had better not make this public as coming from me but to keep it among the frnds it may be good information to Yates & Lansing.

I am well. I wish you All so and Remain your Obedient Humb Srt,
Abm. Yates Jnr⁴

RC (PHi: Gratz Collection). Addressed: "Jeremiah Van Rensselaer and Henry Oothoudt Esqrs., Albany."

¹ Oothoudt and Van Rensselaer were leaders with Yates of the antifederalist movement developing in New York. Van Rensselaer was subsequently chairman of the Albany Antifederalist Committee, and Oothoudt, a former assemblyman, was a member of both the committee and the New York ratifying convention. See Steven R. Boyd, "The Impact of the Constitution on State Politics: New York as a Test Case," James K. Martin, ed., *The Human Dimension of Nation Making* (Madison: State Historical Society of Wisconsin, 1976), pp. 274, 281, 288.

² That is, Jonathan Burrall, who had been appointed "Commissioner for settling the Accounts of the Quarter-Master's and Commissary's departments" May 7, 1787. *JCC*, 32:258.

³ Peter Yates, colonel of the 14th regiment of Albany county militia. Clinton, *Papers* (Hastings), 10:1000.

⁴ Yates' account for attendance as a delegate to Congress for this period records the following claim: "For my services as Delegate in Congress from the first of August 1787 till 15 October following including five travelling days—being 76 days @ 24/ per day—£91.4." Americana Collection, MiDbEl.

William Grayson to James Madison

Dr Sir

N York Augt. 31st. 1787.

Inclosed is a Stragling letter which has found it's way to this place.¹ I have recieved your favor & shall pay every attention to the case of Majr. Turner. His chance with respect to the Secretaryship is absolutely desperate; he must therefore be nominated for a Judges seat. This he has agreed to himself as appears by a letter to Mr. Carrington.²

Judge Symms of Jersey yesterday made an application for All that tract of country lying between the Great & little Miami the East & West line & the Ohio supposed about two millions of acres, on the same terms with the Eastern Ohio Compy. His application has met with the intire approbation of the Members present: & there is no doubt but as soon [as] there is a Congress that this contract will be closed.³

A Commee. is appointed to draught an Ordinance for indiscriminate locations, but a difficulty has occurred which I fear will destroy the whole affair: the Commee don't know what the deficiency is on the Cumberland river & have figured to their timorous & suspicious imaginations that the Virginia officers & soldiers mean to take eight

or ten million of acres, between the Scioto & Miami. The Commee. also contend that the State of Virga. should make proof of the *deficiency of good lands* on the Cumberland; should ascertain the quantity they want or have a right to on the Northern side of the Ohio; & should then take that quantity in *one body*. I wish you would speak to our Governor on the subject. Perhaps it may be in his power shortly to obtain information of the quantity claimed by the Officers & Soldiers on the other side of the Ohio.⁴ If this fact was known other difficulties might perhaps be got over as I apprehend it is not very considerable. Mrs. Grayson has been very ill since her lying in, but is now much better. From yr. Affect. frd & Most Obed Sert., Willm. Grayson

NB. The Mississippi is in a State of absolute dormification.⁵

RC (DLC: Madison Papers).

¹ Not identified.

² See Edward Carrington to Madison, August 11, note 4.

³ John Cleves Symmes' August 29 petition was read on September 20 when Congress achieved its first quorum since August 9. On the 21st it appointed a committee of five chaired by Nathan Dane and including Grayson which reported on October 2 in favor of Symmes' "Miami Purchase" and Congress directed the Board of Treasury to take order. See *JCC*, 33:509n, 512, 593–94; *PCC*, item 42, 7:295–97, item 190, fols. 169–70; and Carter, *Territorial Papers*, 2:70–71. For the publication of Symmes' "Trenton Circular" on November 26, 1787, seeking immediate purchasers for the Miami lands to raise the first payment due the government, see Evans, *Am. Bibliography*, no. 20,738. See also Robert Pierce Beaver, "The Miami Purchase of John Cleves Symmes," *Ohio Archaeological and Historical Quarterly* 40 (1931): 284–342. For the application of the "Eastern Ohio Compny," see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

⁴ Grayson had moved on July 30 that a committee be appointed to consider the sale of lands between the Scioto and Great Miami rivers, a task assigned to Nathan Dane, Edward Carrington, Abraham Clark, William Irvine, and James Mitchell Varnum. See *JCC*, 33:438n. Members of the committee were clearly concerned that a problem had been created by Virginia's act of 1779, reserving a large tract of land along the Cumberland River in the Kentucky District for the benefit of Virginia troops, and the state's stipulation in ceding the Northwest Territory in 1783 that lands between the Scioto and Little Miami rivers be reserved for military bounties in case the lands in the Kentucky District proved to be insufficient. See Hening, *Statutes*, 10:55–56, 11:328, 573–74; and these *Letters*, 21:371n.15. Although the committee failed to report, Nathan Dane raised the issue again in July 1788 when Congress declared invalid grants made to Virginia soldiers in Ohio before deficiencies in the Cumberland lands could be determined. It then requested the Virginia executive to inform Congress of the amount of deficient land in Kentucky so that proper provisions in Ohio could be made. See *JCC*, 34:332–34.

⁵ See Grayson to James Monroe, August 8, note 5.

William Irvine to Gustavus de Rosenthal

My Dear Sir¹

New York, Sept. 1. 1787.

Your letter of the 23d of October, 1785, came to hand only a few weeks ago, and it is the only one since that from Hamburg. You may

therefore suppose I had almost given you up for lost. Tho' I do not readily despair, yet I had a thousand conjectures—among these the Extravagant one, that you were gone to Kauskatea, Exploring territory—another lately, that you might have accompanied your sovereign in her Southern tour. But I am very agreeably disappointed by finding you safe & snug at home. I hope, too, in full possession of an Empress of your own, together with all the Enjoyment that matrimonial connection can possibly afford.

The Dutchman brought me Pierce's final Settlement notes, which together with another for arrears I got added, made in the whole 1000—these I loaned to the State of Pennsylvania, & took her certificate on interest in lieu—this bore interest, & was regularly paid for two years—these funded, as they were called, were up at one time to 8s. 4d. in the pound, but lately a hue & cry has been raised that Penna. has taken on herself more than her proportion of the national debt, and of course this funding law must be repealed. Whether it will or not is yet undetermined. But be this as it may, Certificates of this description are now as low as half a dollar in the pound. Still the Continentals, not adopted or funded by any State, are yet lower; they are 2s. 6d. I have therefore determined to sell out of Penna. Stocks & purchase one thousand dollars Continentals; these will purchase one thousand acres of land between the Scioto & Miami on the bank of the Ohio, where a company have purchased 5,000,000 of acres, at one dollar in Certificates; this Company being well organized, and intend actually to make Strong Settlements very soon, I thought it the best mode of investing this sum: there will be about twenty dollars specie to be added for expense of Settlement, Surveying, &c. Genl. Parsons, of Connecticut, is one of the directors of this Company and most of the principals will be officers of the Eastern States. After all the necessary Expenses & investiture I expect to have remaining of yours in my hands some more than \$300,² yet funded in Pennsa.—with these it is probable I should purchase a plantation for you on French Creek, or the Beaver, or some good communication into the West, near the old Settlements.

The Yankees talk of moving 5000 strong into their new territory next Spring, in one body. They are proceeding very regularly. This will make your 1000 acres valuable in a few years. I have two patents in your name for you, 200 acres Each, Penna. Donation Land; & there will be 200 added to the thousand in the Compy., your Share from the United States: So that when I make the purchase I intend in Penna. you will have, in the whole, about 2000 acres: then all of your certificates that have come to my hands will be disposed of, & I hope to good advantage in the end—as the land will increase in value more than the interest of the Certificates in the uncertain State of things. Many persons begin to think of purchasing Western lands: Congress

have proposals now before them for 20,000,000, exclusive of the company already mentioned of which you are to be a member. I hope you have not sent Depreciation Notes as they have not reached me—nor any other account of them, except what you say relative to your intention of sending them the succeeding Spring, to your letter of the 23d Octr. 1785: there is much danger of their being lost, if you sent them, so much time has elapsed; & yet if they should be as long by the way as the last letter, they will yet turn up: that letter was forwarded & endorsed from London by Jo. Christian Splitgerber & Co. the 18th Feby., 1786; Mr. Matthew Irvine took it out of the Post Office the day it arrived there & forwarded it to me. I cannot procure the discharge you mention from our Service—but should suppose the Resolution of Congress, authenticated, will be sufficient, I mean that for disbanding the army. With respect to a discharge, the brevet cannot at this moment be procured—perhaps it may at a future day, not long hence.

The loss of the Certificate of your being a member of the Cincinnati, will be amply compensated by the Diploma herewith transmitted: there is no rank mentioned in any, not even the highest—yours is verbatim with a Major General. As to the Medal & picture you mention, they must be deferred till some future conveyance. There is no vessel at this port for Hamburg, and have just snatched the opportunity to convey this by Commodore Paul Jones, who sails tomorrow for France, & promises to forward this to Hamburg—or he may probably send it from Denmark, where he has business. Your surprizing me on the banks of the Beaver, I presume is now out of the question, particularly if your matrimonial Scheme has been Effected; but your land in that quarter will be a good reserve for one Son by the time he is of age. By-the-by, when I was in that country last year—for I was appointed to explore the Donation Lands for the Penna. Line, I searched the Shinango branch of Beaver half a day for your rifle, without Effect, that was the Creek you struck as you returned, from the (supposed) Cuyahoga.

Sundry alterations have been proposed at the General Meetings of the Society of Cincinnati, referred to the several State meetings—some adopted entirely, some partially, & some adhered strictly to the original. The General Meeting last May did no business for a variety of reasons, which would be too voluminous to relate in the bounds of a letter; they adjourned, however, till next May. The institution is becoming less obnoxious; indeed, it is more & more forgot daily—& I would not swear that by saying or seeming to think little about it, a favorable moment may not arrive to Establish it fully without even a murmur against it.

The U.S., or the mercantile part of the people have felt severely the cramped or restrained state of trade, for nothing would serve them but they must throw almost the whole into Britain again—who by acts

of Parliament as well as acts of almost Every individual Briton, who had it in his power, have made their vessels the carriers as well of their goods to America, as well as of the American produce in return. In this situation, a year ago, a Convention was proposed & past, did most in order to persuade & prevail on the several Legislatures to invest Congress with full power to regulate everything relative to trade. They did nothing decisive, but recommended some things; the result has been, that a General Convention has met, & are now sitting at Philadelphia, who are instructed to propose regulations for trade—not only so, but likewise to revise the Confederation itself—which, however, they have not power finally to determine on, but only to submit the proposed alterations and amendments, first to Congress—who, if they approve, are to submit them to the Several States for their final determination. General Washington is President of the Convention—they have sat ever since the Month of May; it is said they will rise in two weeks from this time. Many are sanguine that a good Government will be framed—some are determined to oppose, whatever it may be—but as a great majority seemed convinced, that considerable changes are necessary, I hope some tolerable plan will be accepted. The only danger of miscarriage, I think, is, that the Convention will be for making so perfect a Government, as to leave no room for future amendments—or, in other words, to alarm too much the great sticklers for liberty. The Eastern States are almost clamorous for strong Executive Government: this may be thought Extraordinary—but it is nevertheless true. At Boston last winter there were violent commotions, indeed even rebellion, which you have doubtless heard not a little of. There was at one time 7000 insurgents embodied in the depth of winter under a certain Shay—they had a long string of grievances, among these, oppression of lawyers, Speculators, tax-gatherers, &c. &c.

But the militia were, after many talks, town-meetings, & consultations, turned out, & headed chiefly by old Continental officers—among the most conspicuous of these were old Lincoln, Shepherd, & Brooks. There was considerable marching and manoeuvring for two weeks, but the insurgents, at last suffered themselves to be surprized & totally routed—since which every thing has been perfectly quiet. This was really an exertion of military, against their brethren too, that few people here had an idea of—and in Europe I dare say, it will be deemed absolutely false. But I assure you it is well authenticated that the Militia under Genl. Lincoln marched thirty miles in nine hours in the night in a severe snow storm—when many were actually frozen—and without refreshment rushed on the insurgents with bayonets. It is true, there was little opposition; but I believe it is no less true, that not many militia under similar circumstances, would even make the attempt.

When circumstances render any probable Success in trade, I will answer the queries you put—in the meantime suffice to inform you that the Ships to the East Indies from America have been remarkably successful. I believe ten have returned. Sloops of 60 tons have gone to the Cape. China produce is plenty & cheap, but green tea is sold here for a dollar a pound.

It is now time to tell you how I came to date my letter from New York. Congress sit in this city, & I am in the delegation this year from our State—so is Genl. St. Clair—& young Armstrong—So you see the Cincinnati are not quite laid aside. Direct to me at the old place, Carlisle—where it is more than probable I shall be buried. I have built a tolerable house there—not to be buried, but to live in. I will be anxious to hear from you. I make a tour yearly to Fort Pitt, & next Spring I believe I will see Lake Erie pretty high up. I am, dr. Sir, most Sincerely yrs.,
Wm. Irvine

P.S. I am at some loss to know how you manage to receive letters by the old address. Will it be proper to continue that—or in future by the present proper one—signify this in your next.

Money is very Scarce, but it is more artificial than real; occasioned in a great degree by several of the States issuing paper money, which invariably depreciates, be the funds for its redemption ever so good. In Penna., for instance they made £150,000, the whole revenue of the State, pledged by law for the redemption of it—£20,000 to be redeemed annually & burned. This law has been punctually complied with, in all respects, and yet it has depreciated 20 per cent. It has been uniformly taken by the State for lands, taxes, impost, and indeed all debts to the State it was a legal tender—but not a tender in any other case; no individual was obliged to take it. The holders of public securities, however, tho' not obliged by law to receive it, yet they had no alternative but go without. I mean for annual interest: this was among the reasons for appropriating yours, or converting them into land, which cannot depreciate.

Sept. 6th. Commodore Jones being detained longer than he expected, gives me an opportunity to inform you more minutely the State of my negotiations with your property. I have this day sold out part of your stock in the Penna. funds, & purchased 1,000 Continental dollars—these I have subscribed in the Ohio Company, as your Attorney—& paid in the necessary proportion of Specie to defray contingent Expenses. When a payment is made into the U.S. Treasury, a new certificate will issue for the Amount of interest due on them—as nothing but principle is taken as payment for land. How much this will amount to, I cannot exactly say, but suppose something upwards of \$100—this you will have the U.S. for. Then beside that, there will remain in my hands Certificates of Penna. as already mentioned, to purchase the Penna. farm. The interest already drawn from Penna. has

augmented the fund so much (which I have also thrown into the Company) as to obtain an addition of 333 acres—so that your share in the Company, including your right as an officer, 1533 acres, Exclusive of your four hundred acres in Penna, for which I have patents—200 acres of which I almost forgot to tell you is on a branch of French Creek, & one on Oil Creek—for these a lottery was drawn—one No. 1119, the other 1352. As soon as the whole is patented, I will inform you, in order to take your direction whether to Send them to you & by what mode of Conveyance. If Jones should tarry a few days longer, I will probably have something new to add: In the meantime, Mrs. Irvine was well a few days ago, & so were the children. By-the-by, we have another girl, near two years old, more charming than any of the others. We are harrassed by my brother & his wife of Carolina, to let them have Nancy, which we have not yet consented.

Saml. McKay of Pittsburg called on me yesterday, with much news from that place—too much to relate; but this brings to my mind what I am sure you will laugh heartily at—that is, that the said Sam's mother is married to an old invalid Englishman, whom nobody knows—but she has to nurse & support him. And *Bayard* is actually married to Betsey, & takes the *new store* at the ferry on Monongahela. *John Ward* married Polly Boyd. Poor *Finley* remains an old bachelor. John Hughes is rather sickly, but has increased his property surprisingly, & is building a house opposite John Montgomery, which cannot cost less than £1,000—his Betsey is as fat as a wapping landlady, a British sailor would say, or a Flandersman.

John Finley sent me a pair of fine mockasons for you a few weeks after your departure—I am sorry I have them not at this place, or would send them by this conveyance.

Sept. 24th. Com. Jones is here yet, which affords me this early opportunity of furnishing you with the sundry enclosures—some of them will be acceptable.

The new Constitution will meet some opposition, but I expect it will work its way in a few months—it will require years to feel the benefit. You find by the report of the Committee of the Ohio Company, that I could not well throw your property into better hands. You will have a City & out-lot. In haste,

W.I.

Tr (WHi: Draper Manuscripts—Pittsburgh & Northwestern Virginia Papers).

¹ Gustavus, baron de Rosenthal, one of the few Russians in the Continental Army, had served as Dr. John Rose in the Pennsylvania Line, 1777–80. He had been General Irvine's aide-de-camp during the latter's command at Fort Pitt in 1781, and Col. William Crawford's aide during the ill-fated Ohio expedition of the spring of 1782. See John Rose, "Journal of a Volunteer Expedition to Sandusky, from May 24 to June 13, 1782," *PMHB* 18 (1894): 129–57, 293–328; and Heitman, *Historical Register*, p. 351.

² Concerning Rosenthal's funds, Irvine wrote the following letter to an unknown recipient on August 21. It is endorsed: "A Copy to Major McConnell." "Sir, I send you two Certificates belonging to Mr. Rose by Mr. McCoy the bearer hereof, which I wish you to

dispose of and remit me the money by the first safe conveyance. There are sundry Gentlemen now in Philada. from this place among them Mr Milligan—as some speed may be necessary I beg you will loose as little time as possible in making the remittance. I mean to lay out the proceeds in a tract of land for him—transferring into Continental Certificates I believe will make the most for him. I am Sir, Your Obedt. Servt. W.I.

"N.B. No. 2175 is for £37.10.10. No. 2176 for £285.0.0 [P.S.] Let the Gold be regulated, there is 9d. loss on french Guineas if even weight." Caryl Roberts Irvine Collection, PHI.

For Matthew McConnell's September 20 response to Irvine concerning the sale of Continental certificates, see *Doc. Hist. of Ratif.*, 13:220.

Richard Henry Lee to Edmund Randolph

Dear Sir,¹

New York September 1st. 1787

By a letter and some enclosures (lately received by the Delegates) from our Executive; it appears that in May last our Treasurer tendered Mr. Hopkins² Indents for something more than 170,000 dollars upon the requisition of 1786—That he refused to receive them because they were not accompanied with the proper proportion of specie. By the requisition of Congress, the Loan Officers are expressly bound to do so. In consequence of that refusal, it seems, those indents have remained at our risk, and we continue on the Federal books as delinquent for the large sum of 1,425,767.77 dollars. But I think Sir it will be seen, by investigating this subject with attention, that not only the above sum tenderd and refused, but whatever indents may since have been in the Treasury (and it is probable that by this time a further large sum has been paid in) maybe paid to Mr. Hopkins consistently with the acts of Congress, and thereby be removed from our risk, besides lessening the large ballance that now appears against us. Of the several requisitions heretofore made by Congress, none remain at this time to be considered but that of the 4th & 10th of September 1782, and the three subsequent ones of 1784, 1785, & 1786. The first of these was for 1,200,000 dollars for paying interest on the domestic debt. Of this requisition Virginia was quota'd 174,000 dollars, and she was at liberty to apply as much as should be necessary of that sum to discharge the interest of Continental Loan Office certificates, or of Liquidated debts of the U. States due in the State. Virginia stands on the Treasury book here as having paid of this requisition, nothing.

The next in order is the requisition of 1784, where the quota assigned to Virginia is 538,693.47 dollars & ninetieths; of which sum, one fourth part or 134,673.34 dollars might be paid in Certificates of interest by the terms of the requisition: And by a resolve of Congress October the 12th 1785 page 356 of the Journal,³ the Indents issued under the requisition of 1785 may be paid for the whole of the above sum of 134,673.34 dollars, or one fourth of the said requisition of 1784. Of this requisition Virginia has paid 407,511.30 in Specie, and

38,231.25 Indents. By which mode of payment she has paid more of specie than was required by 3,491.17 dollars, and less of Indents than she might, by 96,442.9 dollars. The question now is, whether it will not be advisable to pay Mr. Hopkins Indents to the amount of 96,442.9 dollars and so close the requisition of 1784 completely? Having done this, and sent forward the Account so settled, with the Loan Officers receipt for the 96,442.9 dollars, Virginia will stand on the Treasury books here as having overpaid the requisition of 1784 by 3,491.17 specie dollars. But, at the same time that this account shall be transmitted, notice to the Treasury-board of the Union might accompany it stating, that the above 3,491.17 specie dollars would be carried to the States credit upon the specie requisition of 1785. This will cover two thirds of the sum in Indents agreeably to the requisition of 1785. The ballance of all the indents in the possession of our Treasurer above what shall be necessary to close the requisition of 1784, may either be applied, without specie, to satisfy the requisition of Sept. 1782; or they may go (as the Executive shall choose) to the requisition of 1785 which requisition (see journal of Congress Sept. 27th 1785 Page 310) quotas Virginia to 512,974 dollars.⁴ Of which sum, two thirds on 341,983 dollars may be paid in Indents, if accompanied by one third, or 170,991 specie dollars. Of this requisition Virginia is credited with sundry specie payments amounting in the whole to 51,596.71 dollars; but she is only credited for having paid 19,095.10 Indents, altho the above sum of specie will warrant the payment of 103,193.52 Indents exclusive of the ballance of 3,441 dollars specie overpaid of the 84 requisition. And this is the more surprising, as it is stated in one of the enclosures from the Executive as before observed, that more than 170,000 dollars of Indents had been, in May last, tender'd to, and refused by Mr. Hopkins. His refusal could only have been founded on these Indents being offered for the requisition of 1786, which could not have been so receivd. unaccompanied with the proportion of specie that is directed by the said requisition. Whereas, if those Indents, on a much larger sum of them had been offered upon the requisitions of 1782, 1784 & 1785 they might have been received on Congressional principles, and the State credited therewith. For, if this business had been transacted as is here stated, instead of being credited only for 51,596.71 specie dollars & 19,095.10 Indents upon the requisition of 1785; our credit would be for 55,087.71 specie dollars & 10,175.52 Indents without dispute with the Loan Officer. Proceeding in this manner, there will still be a large ballance due from Virginia to the U. States on the requisition of 1785—the same being of Indents 231,807.38 and of specie 115,903.2—Which being added to the requisition of 1782 for 174,000, and the requisition of 1786 which remains

(after deducting 493 dollars paid upon this requisition) 645,350 dollars; and will make the whole of our debt upon the several requisitions of 82, 84, 85 & 86 equal to 1,167,060.57 dollars specie & Indents inclusive—Which is 258,707.20 dollars less than we now stand charged on the books of the federal treasury, where the sum stated, is 1,425,767.77 dollars as mentioned in the first part of this letter. The difference may arise from our Indents not having been paid, and from a mistake of Office here, in charging us with our full share of the half of 8 millions required in Octr. 1781, without deducting the payments made previous to the requisition of 1784 as Congress has done. See the Journal 27 April 1784.⁵ Before I quit this subject, permit me Sir to observe that only so many Indents as were in the Treasury on or before the 1st of Jany. 1787 can be paid on the requisition of 1785 as is directed by that requisition—So that 130,654 Indents (the sum in the Treasury of the State on the 1st of Jany. last) should be appropriated to the requisition of 1785, and the ballance, whatever it may be, already paid in; may be applied as hath been already mentioned. Pardon me Sir for the long letter that I have written. My only motive being to remove existing doubts, and to prevent such in future as I see are productive of public inconveniences. The account that I have stated will more concisely place in view the ideas herein contended for than could easily be done in writing.

I am happy to hear that your business in Convention is near a close. You have had a hard time of it—And I hope you will be rewarded with the thanks of this and future generations.

I have the honor to be, with all possible respect and esteem, dear Sir Your affectionate and obedient servant, Richard Henry Lee.

P.S. I have observed that Mr. Hopkins refused the Indents offer'd to him because they were unaccompanied by Specie. He might have urged another reason, that no Indents but those issued under the requisition of 1786 could have been received in discharge of that requisition; and you know that we were not provided with any of those.

RC (James S. Copley Library, La Jolla, California).

¹ Although it is not apparent to whom Lee addressed this letter, he indicated in the next to the last paragraph that "your business in Convention is near a close," an undoubted reference to the Constitutional Convention in Philadelphia. Of the Virginia delegates at the convention, only Gov. Edmund Randolph could be expected to act on the information contained in this letter once he returned to Virginia and resumed his executive duties.

² That is, John Hopkins, the loan office commissioner for the state of Virginia.

³ See *JCC*, 29:823–24.

⁴ *JCC*, 29:767.

⁵ *JCC*, 26:309.

William Samuel Johnson to Ann Johnson

Philadelphia Sundy. Eveng. 2d Sept. 1787. "I am much obliged to you for your kind offer to meet me at N York, & I wish very heartily I could now tell you with any certainty when I may probably be so happy as to arrive there, but we meet with so many unforeseen delays that I can yet fix no time with any degree of precision, tho' I still hope it may be in about a fortnight."

RC (CtHi: Johnson Papers).

Nicholas Gilman to John Sullivan

Philadelphia Septemr 3d 1787. "Although this Letter is not meant to be addressed to the Public, I beg your Excellency will suffer me to mention a matter in which I conceive the Interest of the State to be so much concerned that I cannot omit it, though I should subject myself to the imputation of meddling in matters that do not immediately concern me. It is respecting the domestic Debt. I find many of the States are making provision to buy in their Quota's of the final Settlements, and I most ardently wish that the Towns in New Hampshire may be so far awake to a sense of their Interest as to part with their property freely in order to purchase their several Quota's of the public Securities now in circulation, while they are to be had at the present low rate; which is in this place, at two shillings and six pence on the pound. If they suffer the present opportunity to pass, and we should be so fortunate as to have an efficient Gover[n]ment, they will be obliged to buy them of Brokers, Hawkers, Speculators & Jockeys, at six or perhaps at eight times their present value. I know your Excellency is well aware of the danger the people are in of suffering through their unwillingness to pay taxes, but perhaps if they were fully sensible of the measures that are pursuing in other States, it might operate as a new incentive to an immediate exertion."

Tr (Nh-Ar: State Papers, Miscellaneous). Endorsed by John Sullivan: "Extract of a Letter from the Honorable Nicholas Gilman Esqr Dated, Philadelphia Septemr 3d 1787."

Richard Henry Lee to John Adams

Dear Sir,

New York September the 3d 1787

Since my letter to you of December 1785 from Chantilly in Virginia¹

in answer to the letters that you were pleased to write me on the 26th of August, 6th & 7th of September 1785; I have not been honored with any letter from you. On my arrival here I met with, and read with great pleasure your book on the American governments.² The judicious collection that you have made, with your just reflections thereon, have reached America at a great Crisis, and will probably have their proper influence in forming the federal government now under consideration. Your labor may therefore have its reward in the thanks of this and future generations. The present federal system, however well calculated it might have been for its designed ends if the States had done their duty, under the almost total neglect of that duty, has been found quite inefficient and ineffectual. The government must be both Legislative and Executive, with the former power paramount to the State Legislatures in certain respects essential to federal purposes. I think there is no doubt but that this Legislature will be recommended to consist of the triple ballance, if I may use the expression, to signify a compound of the three simple forms acting independently, but forming a joint determination. The executive (which will be part of the legislative) to have more duration and power enlarged beyond the present. This seems to be the plan expected, and generally spoken of—I say expected, because the Convention is yet sitting, and will continue so to do until the middle of this month. I was appointed to that Assembly, but being a Member of Congress where the plan of Convention must be approved, there appeared an inconsistency for Members of the former to have Session in the latter and so pass judgement at New York upon their opinion at Philadelphia. I therefore declined going to Convention and came here; where we have lately contracted for the sale of six millions of Acres on the N.W. side of Ohio in the ceded territory, for lessening the domestic debt—And now, another offer is made for two millions more.³ I hope we shall at least be able to extinguish the domestic debt created by the late war, which is by far the greatest part of the debt. So many of our Members have lately gone from hence to the Convention, that we have had but 5 States in Congress for a month past, which has prevented any determination on your application to return.

It seems at present to be very doubtful whether there will be any Resident appointed to the Court where you are—some being for a Minister, some for a Chargé, and some for neither—But a Consul only. How it will terminate can scarcely be conjectured yet.⁴ Permit me now Sir to entreat your attention and good offices in the following affair. Mr. Thomas Steptoe, concerning whom I formerly wrote to you, dyed on shipboard as he was returning home from the East Indies either in 1784 or 1785, and we are not certain whether he was on a Danish or a Sweedish ship, but it was one of these. Captain Miller who gave me this intelligence by letter, and who is now up the Baltic, was

not certain to which of these nations the Ship belonged. But he said it was supposed that Mr. Steptoe had a considerable property. His heirs in Virginia having heard nothing concerning this property, apprehen'd that it has been secured by the Officers of the Ship wherein he dyed. The want of exact information concerning Mr. Steptoes affairs will render it difficult to procure redress. Perhaps a proper enquiry among those people in London who trade with the East Indies, may furnish some light upon this business. Or an application to the Danish & Swedish Ministers at the Court of London might cause an enquiry to be made in their respective countries, so as that the holders of his property fearing detection, may come forward and honestly deliver up this gentlemans effects—And inform if he left any Will. It is not improbable that he left a will somewhere, which if procured would regulate the descent of his Virginia estate. I shall be singularly obliged to you my dear Sir if you will interest yourself in this business, and let me know the success of your enquiries.⁵ My complements, if you please to Colo. Smith; and affectionate regards to my Nephew Shippen. With every sentiment of esteem and friendship I am dear Sir, sincerely yours,

Richard Henry Lee

RC (MHi: Adams Family Papers).

¹ Apparently Lee's letter of December 12, for which see Lee, *Letters* (Ballagh), 2:408–9.

² That is, Adams' *A Defence of the Constitutions of Government of the United States of America*, for which see James Madison to Thomas Jefferson, June 6, note 3.

³ See Lee to Francis Lightfoot Lee, July 14, note 3; and William Grayson to James Madison, August 31, note 3.

⁴ Adams' letter of January 24, in which he discussed retirement from his European posts and made recommendations concerning future diplomatic appointments, had been read in Congress April 11 and referred to John Jay to report. Jay proposed on July 26 that Congress accept Adams' resignation and appoint a new minister for three years or less to adjust differences between the United States and Great Britain, but he also explored the alternative expedient of appointing William Stephens Smith as chargé d'affaires. Congress debated Jay's report on August 1 and again on September 24 and October 5 when it agreed to Adams' return after February 24, 1788, and thanked him for his services, but made no determination on his replacement. These resolutions were transmitted to Adams by Jay on October 16. See *JCC*, 32:174, 33:415–18, 446–48, 517–22, 611–15; and PCC, item 121, fols. 282–85.

⁵ For Lee's earlier correspondence with Adams concerning the involvement of his nephew Steptoe in East Indian trade, see these *Letters*, 22:410–11, 540, 699.

Charles Thomson to the States

Sir, Office of Secretary of Congress, Sept. 3. 1787

I have the honor to transmit to you[r] Exy herewith enclosed a state of the Representation in Congress for the Month of August last¹ & am with the greatest respect, Your Excellency's Most Obedt & Most humble Servt,

C.T²

LB (DNA: PCC, item 18B).

¹ For this enclosure and the 10 other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

² Thomson also wrote the following personal letter this day to William Bingham at Philadelphia.

"I have recieved your letter of the 31 of last Month and am very sorry it is not in my power just at present to comply with your desire.

"The answer you gave me when I spoke to you about discharging my obligation and the motions for the removal of Congress to Philadelphia induced me to expend in repairing my house the principal part of the sum I had then allotted for you. However as I retain a grateful remembrance of the favour you did me and as this is the only sum I owe to any one, you may rely on my best endeavours to discharge it as soon as possible and hope to do it in a short time.

"I am glad to hear the Convention are near rising. I hope their labours will be productive of much good to this country." Americana Collection, PPRF.

James Madison to James Madison, Sr.

Philada. Sept. 4. 1787. "The Convention has not yet broken up but its Session will probably continue but a short time longer. Its proceedings are still under the injunction of secresy. We hear that a spirit of insurrection has shewn itself in the County of Green Briar. Some other Counties have been added by Report as infected with the same spirit; but the silence of the letters from Richmond on this latter fact, gives us hopes that the Report is not well founded. We understand also that the upper parts of the Country have suffered extremely from the drought, and that the crops will not suffice for the subsistence of the inhabitants. I hope the account is exaggerated, and wait with some impatience for a confirmation of this hope. The crops of wheat in this quarter have been uncommonly fine, and the latter rains have been so seasonable for the corn that the prospect of that crop is tolerably good. The price of good Tobo. here at present is 40/ Virga money. As soon as the tie of secresy shall be dissolved I will forward the proceedings of the Convention."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:161.

Roger Alden to William Judd

Dear Sir

New York. Sept. 5th. 1787.

Yours of the 24th Ult. was delivered this day by Capt Bidwell. I have furnished him with a certified copy of the Motion, which You request.¹ Dr. Johnson is at Philadelphia, the letter to him I have forwarded.² His papers are not in my possession, which puts it out of my power to oblige You.

I am, Sir, Your most Obedient Humble servant, R. Alden

FC (DNA; PCC, item 55). In the hand of Roger Alden.

¹ Judd's August 24 letter to Alden, in which he requested "a Copy of part of the Journals of the Federal Court held at Trenton in 1782 (Viz) The Motion made by the Connecticut Agents to summon and give Notice to the Tenants or Inhabitants of the Wyoming before they proceeded any further upon the Tryal, And the Resolution of the Court thereon," is in PCC, item 55, fols. 193-96. For the motion and court opinion (of November 19-20, 1782) which Judd sought, see *Susquehannah Co. Papers*, 7:153-54.

² From William Samuel Johnson, Judd was seeking "A Copy of The Indian Deed to the Susqh. Company." For Judd's efforts at this time to overturn the Trenton decree, see *ibid.*, 9:97-101, 257, 285.

Edward Carrington to Winthrop Sargent

My dear Sir,

New York Sept. 5. 1787

The absence of Mrs. Colden, who went to the highlands about the time you left us, and did not return until a short time ago, occasioned some delay in the formal entry of her, as well as my name, on Major Platts list.¹ This was however done a few days ago for five shares each, but lest some arrangements may possibly have taken place to the Eastward, confining the benefits of the first location, to the subscribers of a given Sum, say that which is mentioned for the first payment in the Resolve of Congress, and having no views of adventuring at all unless we can come into the first location, we have taken the precaution to annex that condition to our subscriptions. We have no particular reasons to suppose this a necessary Step but thought it could do no harm, in case it should not be necessary.

We hear your subscriptions fill up fast in Massachusetts, and are flattered with hopes that a respectable settlement will go out this fall. Some wealthy Men, such as McComb, Edgar, Fleming &c. of this place, have subscribed with Platt. These will give weight to the adventure as they will be able to push the settlements.

We have never had a Congress since you left us, of consequence no appointments have taken place for the Western Government. Turner, upon being informed that you was his competitor, has declined his pretensions for the Secretariship, nor do I hear of any other who is about to come forward—such is the effect of your great merit, that all opposition shrinks from before you. Mrs. C—— still continues to rest her hopes upon you. I know not how it is, but somehow or other, you have impressed her with an opinion that you are a *very* honest fellow, and what else she thinks of you I dare not say—you are already vain enough. When shall we see you in New York?

I am my dear Sir, Your Afft. Humbl Servt., Ed. Carrington

RC (MHi: Sargent Papers).

¹ That is, the list of investors in the Ohio Company's land purchase, for which see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

James Madison to Thomas Jefferson

Philada. Sepr. 6. 1787. "My last was intended for the Augst. Packet and put into the hands of Commodore Jones. Some disappointments prevented his going, and as he did not know but its contents might be unfit for the ordinary conveyance, he retained it.¹ The precaution was unnecessary. For the same reason the delay has been of little consequence. The rule of secrecy in the Convention rendered that as it will this letter barren of those communications which might otherwise be made. As the Convention will shortly rise I should feel little scruple in disclosing what will be public here, before it could reach you, were it practicable for me to guard by Cypher against an intermediate discovery. But I am deprived of this resource by the shortness of the interval between the receipt of your letter of June 20² and the date of this. This is the first day which has been free from Committee service both before & after the hours of the House, and the last that is allowed me by the time advertised for the sailing of the Packet.

"The Convention consists now as it has generally done of Eleven States. There has been no intermission of its Sessions since a house was formed; except an interval of about ten days allowed a Committee appointed to detail the general propositions agreed on in the House. The term of its dissolution cannot be more than one or two weeks distant. A Govemnt. will probably be submitted to the {people of}³ the {states} consisting of a [President]⁴ {cloathed} with {executive power}: a {Senate chosen} by the *Legislatures*, and another {house chosen} by the {people of} the {states} jointly {possessing} the {legislative power} and a regular {judiciary} establishment. The mode of constituting the {executive} is among the few points not yet finally settled. The {Senate} will consist of two {members} from each {state} and {appointed sexennially}: The other, of {members appointed biennially} by the {people of} the {states} in proportion to their number. The Legislative power will {extend to taxation, trade} and sundry other general matters. The powers of Congress will be {distributed} according to their {nature among the several departments}. The States will be {restricted from paper money} and in a {few other instances}. These are {the outlines}. The extent of them may perhaps surprize you. I hazard an opinion nevertheless that the {plan should} it {be adopted} will neither effectually {answer} its {national object} nor prevent the local {mischiefs} which every where {excite disgusts} agst the {state governments}. The grounds of this opinion will be the subject of a future letter.

"I have written to a friend in Congs.⁵ intimating in a covert manner the necessity of deciding & notifying the intentions of Congs. with regard to their foreign Ministers after May next, and have dropped a hint on the communications of Dumas.

"Congress have taken some measures for disposing of the public land, and have actually sold a considerable tract. Another bargain I learn is on foot for a further sale.

"Nothing can exceed the universal anxiety for the event of the Meeting here. Reports and conjectures abound concerning the nature of the plan which is to be proposed. The public however is certainly in the dark with regard to it. The Convention is equally in the dark as to the reception wch. may be given to it on its publication. All the prepossessions are on the right side, but it may well be expected that certain characters will wage war against any reform whatever. My own idea is that the public mind will now or in a very little time receive any thing that promises stability to the public Councils & security to private rights, and that no regard ought to be had to local prejudices or temporary considerations. If the present moment be lost it is hard to say what may be our fate.

"Our information from Virginia is far from being agreeable. In many parts of the Country the drouth has been extremely injurious to the Corn. I fear, tho' I have no certain information, that Orange & Albemarle share in the distress. The people also are said to be generally discontented. A paper emission is again a topic among them. So is an instalment of all debts in some places and the making property a tender in others. The taxes are another source of discontent. The weight of them is complained of, and the abuses in collecting them still more so. In several Counties the prisons & Court Houses & Clerks offices have been wilfully burnt. In Green Briar the course of Justice has been mutinously stopped, and associations entered into agst. the payment of taxes. No other County has yet followed the example.⁶ The approaching meeting of the Assembly will probably allay the discontents on one side by measures which will excite them on another."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:163–64.

¹ For the delay encountered by John Paul Jones in delivering Madison's July 18 letter to Jefferson in Paris, see Edward Carrington to Madison, July 25, note 1.

² For which see Madison, *Papers* (Rutland), 10:63–67.

³ Words printed in braces in this text were written by Madison in cipher.

⁴ Having failed to encode "President," Madison inserted it in brackets at a later date.

⁵ Not found.

⁶ For the burning of court records in King William Co., the destruction of the jail and clerk's office in New Kent by John Price Posey (who was hanged for the offense), and other "irregularities" in Amelia, Greenbrier, and Westmoreland counties, see *ibid.*, pp. 48n.5, 155n.4, 161n.1, 162; and the following entry, note 3.

Richard Henry Lee to Richard Lee

Dear Sir,¹

New-York Sept. 13. 1787

Altho you have favored me with three letters you do not in any of them acknowledge the receipt of a letter from me that I wrote to you many weeks ago.² I thank you nevertheless for the intelligence you give me, especially that which relates to the welfare of my family. The bad crops in consequence of the drought comes very hard upon us when pressed so heavily with other burthens. Those evils which happen independently of us, we must bear with manly firmness; and those which flow from our own misconduct we have no right to complain of. Among the last is the pressure of private debt, which almost universally arises from idleness and extravagance; one or both. This will be corrected & remedied by industry & œconomy. The debts created by a war forced upon us, and by which we have secured the blessing of liberty, we ought to pay without murmuring. Congress is endeavoring to lighten the public burthens by selling the federal lands beyond the Ohio to pay the domestic debt which forms so great a part of our whole debt. We have already contracted for the sale of 6 millions of Acres, and a proposition is now on the Table to purchase three millions more. We hear a talk of a plan forming to purchase 20 Millions more. These lands will all be sold for discharging the principal of the debt, and the public securities paid in by instalments. These bargains once made will sink in season a large part of the debt. The friends to American honor & happiness here all join in lamenting the riots and mobbish proceedings in Virginia. They say it will injure the American name & character thro the world—And the wonder is that all good men in the country dont untite [unite] to suppress such evil doings, and punish the Offenders. We are deeply concerned for the honor & reputation of Westmoreland that our records should be stolen and the strongest efforts not made to find out & punish the Thief. A public purse should directly be made up by the good men of the County, and a large reward offered for discovering the Offender. The Magistrates of New Kent soon found out Price Posey & sent him in chains to Richmond to be tried for his life. Colo. H. Lee & myself will pay our guineas apiece towards making up this purse.³

The public papers here make it quite probable that a general war in Europe will attend the Civil war in Holland. This will not hurt us if we are wise enough to keep out of the scrape. The federal Convention wil[l] rise this week. Good powder & Bark sells here from 12 to 14s./ a pound. Nutmegs very scarce & dear being 8/ an Ounce & other spices in proportion. When you consider this, and also that we are obliged to meet all our expences with ready money; you will see the necessity of

remitting me Cash for the purpose of buying the things you want, for indeed I have it not of my own. My compliments, if you please to the Ladies of Lee Hall, & to all friends in Westmoreland.

I am dear Sir your affectionate friend & Kinsman,
Richard Henry Lee.

RC (NN: Miscellaneous Manuscripts). Addressed: "Richard Lee esquire of Lee Hall in Westmoreland County Virginia."

¹ For "Squire" Richard Lee (1726–95), Richard Henry's first cousin and the uncle of Richard Bland Lee, another correspondent of Richard Henry, see these *Letters*, 4:136n.1; and Paul C. Nagle, *The Lees of Virginia: Seven Generations of an American Family* (New York: Oxford University Press, 1990), pp. 50–54.

² Not found.

³ For "the riots and mobbish proceedings in Virginia," see the preceding entry, note 6.

Nicholas Gilman to Joseph Gilman

Philadelphia September 18th 1787. "The important business of the Convention being closed, the Secretary set off this morning to present Congress with a report of their proceedings, which I hope will soon come before the State in the manner directed; but as some time must necessarily elapse before that can take place I do myself the pleasure to transmit the enclosed papers for your private satisfaction¹—forbearing all comments on the plan but that it is the best that could meet the Unanimous concurrence of the States in Convention; it was done by bargain & Compromise—yet, notwithstanding its imperfections, in the adoption of it depends (in my feeble Judgment) whether we shall become a respectable nation or a people torn to pieces by intestine commotions and rendered contemptable for ages."

RC (PHi: Society Collection).

¹ Gilman undoubtedly enclosed a copy of the September 17 Dunlap and Claypoole broadside report of the convention that was read in Congress on September 20, for which see *JCC*, 33:488–503, 760; and Evans, *Am. Bibliography*, no. 20,818.

Nicholas Gilman to John Sullivan

Sir, Philadelphia September 18th 1787
I have the pleasure to inform your Excellency that the important business of the Convention is closed—their Secretary set off this morning to present the Honorable the Congress with a report of their proceedings and the Convention adjourned without day. I hope to have the pleasure to lay this important affair before the State in a few

days, with the decision of Congress there on; in the mean time I beg leave to present your Excellency with the enclosed papers¹ & to observe that as the Legislature of Pennsylvania is about adjourning, a copy of them will be read before that assembly this day.

With the greatest consideration, I have the Honor to be, Your Excellency Very Obedient and Humble Servant, Nich. Gilman

RC (Nh-Ar: State Papers, Revolutionary Correspondence).

¹ See the preceding entry, note.

North Carolina Delegates to Richard Caswell

Sir,

Philadelphia September 18th. 1787.

In the Course of four Months Severe and painful application and Anxiety, the Convention have prepared a plan of Government for the United States of America which we hope will Obviate the defects of the present Fœderal union and procure the enlarged purposes which it was intended to effect. Inclosed we have the honor to send you a Copy,¹ and when you are pleased to lay this plan before the General Assembly we entreat that you will do us the justice to assure that honorable body that no exertions have been wanting on our part to guard & promote the particular Interest of North Carolina. You will Observe that the representation in the Second Branch of the National Legislature is to be According to numbers, that is to say, According to the whole Number of white Inhabitants added to three fifths of the blacks; You will also Observe that during the first three years North Carolina is to have five Members in the House of Representatives, which is just one thirteenth part of the whole Number in that house and our Annual Quota of the National debt has not hitherto been fixed quite so high. Doubtless we have reasons to believe that the Citizens of North Carolina are more than a Thirteenth part of the whole Number in the Union, but the State has never enabled its Delegates in Congress to prove this Opinion and hitherto they had not been zealous to magnify the Number of their Constituents because their Quota of the National Debt must have been Augmented Accordingly. We had many things to hope from a national Government and the Chief thing we had to fear from Such a Government was the Risque of unequal or heavy Taxation but we hope You will believe as we do that the Souther[n] States in General and North Carolina in particular are well secured on that head by the proposed System. It is provided in the 9th Section of Article the first that no Capitation or other direct Tax shall be laid except in proportion to the Number of Inhabitants, in which Number five Black's are only Counted as three. If a land Tax is laid we are to pay at the Same rate, for Example, fifty Citizens of

North Carolina can be taxed no More for all their Lands than fifty Citizens in one of the eastern States. This must be greatly in our favour for as Most of their Farms are Small & many of them live in Towns, we certainly have, one with another, land of twice the Value that they possess. When it is also considered that five Negroes are only to be charged the Same Poll Tax as three whites the advantage must be considerably increased. Under the Proposed Form of Government the Southern States have also a much better Security for the Return of Slaves who might endeavour to escape than they had under the Original Confederation. It is expected a Considerable Share of the National Taxes will be Collected by Imposts, Duties, and Excises but You will find it provided in the 8th Section of Article the first that all duties, Imposts and, excises shall *be uniform* throughout the United States. While we were taking so much care to guard ourselves against being overreached and to form rules of Taxation that might operate in our favour, it is not to be Supposed that our Northern Brethren were inattentive to their particular Interest. A navigation Act or the power to regulate Commerce in the Hands of the National Government by which American Ships and Seamen may be fully employed is the desirable weight that is thrown into the Northern Scale. This is what the Southern States have given in Exchange for the Advantages we Mentioned above; but we beg leave to Observe in the Course of this Interchange North Carolina does not Appear to us to have given *any thing*; for we are doubtless the most independent of the Southern States; we are able to carry our own produce and if the Spirit of Navigation and Ship building is cherished in our State we Shall Soon be able to carry for our Neighbours. We have taken the liberty to mention the general pecuniary Considerations which are involved in this Plan of Government, there are other Considerations of great Magnitude involved in the System but we cannot exercise Your patience with a further Detail; but Submit it with the Utmost deference and have the Honor to be, Your Excellency's Most Obedient Huml. Servt.,

Wm. Blount²

Richd. D. Spaight

Hu. Williamson

Tr (Nc-Ar: Governors' Letterbooks).

¹ See Gilman to Gilman, this date, note.

² Of North Carolina's delegates to the Constitutional Convention, only Blount was also a delegate to Congress at this time. The state's two convention delegates who did not sign this letter, William Richardson Davie and Alexander Martin, had already returned home from Philadelphia.

James Madison to Edmund Pendleton

Philada. Sept. 20. 1787. "The privilege of franking having ceased with the Convention, I have waited for this opportunity of inclosing you a copy of the proposed Constitution for the U. States.¹ I forbear to make any observations on it; either on the side of its merits or its faults. The best Judges of both will be those who can combine with a knowledge of the collective & permanent interest of America, a freedom from the bias resulting from a participation in the work. If the plan proposed be worthy of adoption, the degree of unanimity attained in the Convention is a circumstance as fortunate, as the very respectable dissent on the part of Virginia is a subject of regret. The double object of blending a proper stability & energy in the Government with the essential characters of the republican Form, and of tracing a proper line of demarkation between the national and State authorities, was necessarily found to be as difficult as it was desirable, and to admit of an infinite diversity concerning the means among those who were unanimously agreed concerning the end."

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:171.

¹ Pendleton's annotated copy of the Dunlap and Claypoole printing of the Constitution is in the Andrew Jackson Donelson Papers, DLC.

Arthur St. Clair to Thomas FitzSimons

Dear Sir

New York Sept. 20th. 1787

After so long an Attendance in Convention, the Session of the Assembly comes rather malaprop.¹ I do suppose however, that you will find yourself obliged to give some part of your time to it. I would beg leave therefore to mention to you one matter that I see as likely to come forward—the Division of the County of Westmoreland.² Should that matter be pressed to a conclusion, but which, in my opinion is quite premature, and will not be followed, I am certain, by the Consequences that are expected from it, it will of course be necessary to fix upon some place for holding the Courts in the old County, for either Hannas Town or Greensburgh, very inconvenient at present, must then be out of the Question. I would propose a place on the loyal Hanning, below the mouth of the nine mile run, that used to be known by the name of Dagworthys breast Works. I am interested a little in this place being chosen, as the Land is mine. But were I not cer-

tain that it is as convenient a place as any in the whole County, both with respect to situation, being very near the Center of what must be left, and every other convenience, as wood, Water, Stone and Coal, and the new laid out road passing through it, I would not propose it. That some little Advantage would arise to me from it I hope will not be an Objection. I am sure it will be a motive to you, and I think it should with some others. I will request the favour of you to mention it to some of our Friends, to whom also I would have written, but I am very ill able to do it, for this is the first time I have taken a penn in hand these six Weeks having been totally disabled in my right Hand by the Gout and even now write in great pain. I will therefore trouble further you nor myself any longer than to assure you that I ever am,
 Dear Sir, Your very humble Servant, Ar St Clair

RC (OCIWHi: MS3305).

¹ That is, FitzSimons had been a delegate to the Constitutional Convention and was also a member of the Pennsylvania Assembly to which the Constitution had been referred on September 18. For the reception of the document by this fateful session of the assembly, see *Doc. Hist. of Ratif.*, 13:293–306.

² For this subject, see also St. Clair's postscript to his letter to FitzSimons of March 10, 1787.

Roger Alden to Unknown

Dear Sir

New York Sept. 21st 1787.

The budget was opened Yesterday and the important secret is now exposed to public view, and I hope it will be approved by every individual.¹ I find it meets with the approbation of many of those Gentlemen of whose opinion and for whose Judgment I have the highest respect—but where we may expect opposition is easy to be conjectured. I can readily make three classes. Great Men of our own who will loose their consequence, little great Men, conscious of their own talents who know they have not Abilities to become really great Men—And all those who are really enemies to the happiness of the Country or have exposed themselves by their crimes, Idleness and wickedness to the just Laws of society.

FC (DNA: PCC, item 55). In the hand of Roger Alden.

¹ Apparently a reference to the debate on the resolution adopted by the Constitutional Convention on September 5 requesting Congress to pay the expenses of "the Secretary and other Officers of this Convention," which were later calculated at \$1,165.90. See *JCC*, 33:487–88. The request was laid before Congress on September 20 with a letter by George Washington, the president of the Convention, covering a copy of the proposed constitution approved September 17 and two resolutions proposing procedures for its adoption. *Ibid.*, pp. 488–503.

According to the proceedings on this issue entered by Alden in the Secretary's Committee Book, Congress immediately approved the proposal and directed the board of treasury "to take Order" to pay the costs of the Convention. See *ibid.*, p. 488; and PCC, item 190, fol. 165.

William Bingham to Thomas FitzSimons

Dr Sir,

New York Sept. 21. 1787

You expressed a Desire of Knowing what reception the Conventional Government would meet with in Congress, & whether there was a Prospect of its passing thro' the necessary Formalities in Congress, previous to the Adjournment of our legislature.

It was yesterday received & read in Congress,¹ & Wednesday next fixed as the Day for its Consideration. If I had been present, I Should certainly have opposed its Postponement to So distant a Day. As from Enquiry I find that every State on the Floor of Congress is disposed to adopt it, I will endeavor to bring on the Question immediately. I Shall urge as an Argument the favorable Disposition of our Assembly, which is now in Sessions. I will inform you of the result, as Soon as possible.

I am with Regard, D Sir, Your obedt hble serv,

Wm Bingham

RC (PHi: Gratz Collection).

¹ See *JCC*, 33:488-503.

Edward Carrington to James Madison

My Dear Sir,

New York Sept. 23. 1787

The Gentlemen who have arrived from the Convention inform us that you are on the way to join us¹—least, however, you may, under a supposition that the State of the delegation is such as to admit of your absence, indulge yourself in leisurely movements, after the fatiguing time you have had, I take this precaution to apprise you that the same schism which unfortunately happened in our State in Philadelphia,² threatens us here also. One of our Colleagues Mr. R. H. Lee is forming propositions for essential alterations in the Constitution, which will, in effect, be to oppose it.³ Another, Mr. Grayson, dislikes it, and is, at best for giving it only a Silent passage to the States. Mr. H. Lee⁴ joins me in opinion that it ought to be warmly recommended to ensure its adoption. A lukewarmness in Congress will be made a ground of opposition by the unfreindly in the States. Those who have hitherto

wished to bring the conduct of Congress into contempt, will in this case be ready to declare it truly respectable.

Next Wednesday is fixed for taking under consideration this business, and I ardently wish you could be with us.

The New York faction is rather active in spreading the seeds of opposition—this, however, has been expected, and will not make an impression so injurious as the same circumstance would in some other States. Colo. Hamilton has boldly taken his ground in the public papers and, having truth and propriety on his side, it is to be hoped he will stem the torrent of folly and inequity.⁵

I do not implicitly accede, in sentiment, to every article of the scheme proposed by the convention, but I see not how my utmost wishes are to be gratified until I can withdraw from society. So long as I find it necessary to combine my strength and interests with others, I must be satisfied to make some sacrifices to the general accommodation. I am my dear Sir, with great sincerity, Your Freind & Humble Servt.,
Ed. Carrington

RC (DLC: Madison Papers).

¹ Madison arrived in New York the following day and took his seat in Congress September 25th. See Madison to James Madison, Sr., September 30; and *JCC*, 33:533.

² That is, of Virginia's delegation at the Philadelphia Convention, James McClurg and George Wythe left early, George Mason and Edmund Randolph refused to sign the Constitution, and only John Blair, Madison, and Washington had signed.

³ Although Richard Henry Lee did not attend the Philadelphia Convention (to which he had been elected) because he thought it improper for a delegate in Congress to sit in judgment on his own work, he had been thoroughly briefed on the Convention's proceedings by Edmund Randolph, George Mason, and Elbridge Gerry. For the "propositions for essential alterations in the Constitution" drawn up by Lee at this time, see the enclosure to Lee to Elbridge Gerry, September 29.

⁴ For Henry Lee's return to Congress, see Richard Henry Lee to Richard Bland Lee, August 22, note 2.

⁵ A reference to the letters by Alexander Hamilton printed in the July 21 and September 15 issues of the New York *Daily Advertiser* attacking George Clinton for his condemnation of the Philadelphia Convention. See Hamilton, *Papers* (Syrett), 4:229–32, 248–53.

William Samuel Johnson to Samuel William Johnson

My Dear Son

New York 25th Sept. 1787.

I return'd here from Philadelphia last Wednesday, & on Sunday your good Mamma arrived in good health from Stratford. She left your Brother & Mrs. Kneeland in good health, Mr. Verplank, Betsy & Gilly having set out on Wednesday on a [vis]it to Mr Verplank at Fish Kill. I send you by this Conveyance several Copies of the Result of the

Convention,¹ & you will find two Copies in the Papers of the 21st Inst. which I presume will be sufficient for you & your Friends to amuse yourselves with. It is yet impossible to foresee what will eventually be the Fate of it with the People, we only know that it was very well received on its publication in Philadelphia, & most that we hear in this City, & from Connecticut, & N. Jersey is extremely favourable, but it is known that Parties are forming in almost every State to give it opposition, & it must be some time before we can know the Event. We have put on Board Capt. Dorrall a Bl & Box which Mamma bro't with her for you containing Roots, Garden Seeds, Pickles, & a Pot of Honey. The Roots I fear will hardly pay freight, however it will serve for an experiment. Mamma will send you some Pork as soon as the season for it arrives which is now approaching. I am now to decide with respect to the Presidency of the College here, which I was much pressed to accept of. I am yet undetermined, as the support is very moderate, & I must give up every other prospect, yet as Mamma inclines to it, it seems rather probable I shall undertake it. In this event I should be happy to have you or your Brother with me, & Stratford will be vacant for the others as Charles is yet so unpractised in the World it may perhaps be best for him to be yet for some time at least with me, & whether you would think it worth while to accept of Stratford I know not. As the prospect of practice in the Law is so indifferent there at present, I should hardly dare to recommend it to you, but should our new plan of Government be adopted there is reason to hope it might err long be better. I mention it therefore to you now merely as a matter of speculation which you can think of. I shall let you know my conclusion by the first opportunity, & wish extremely I could have had your Assistance in forming it. We also send you two Bls of Flour, & the News Papers. I have only time to add Mamma's & my tenderest Love to you, & compliments to all Friends, & am, Yr. most affectionate Father & Friend,

Wm. Saml. Johnson²

RC (NNC: Johnson Collection).

¹ See *JCC*, 33:488–503. For the Dunlap and Claypoole printed text that Johnson apparently sent his son, see *ibid.*, p. 760, item 592.

² Johnson also wrote a letter to his son Robert Charles this day, as well as on September 23, 27, 30, and October 7. These five brief letters, which are devoted to mundane personal matters, are in the Johnson Papers, CtHi.

Charles Thomson to Walter Livingston

Sir¹ Office of Secretary of Congress, Sept. 26th. 1787.
As You inform me that Mr. Banker [Gerard Bancker] from his other engagements is unable to attend to the business of deciding the con-

troversy between the United [*States*] and the late Contractors for the moving Army, I agree that Mr William Seaton be substituted in his place—And have the honor to be, sir, Your Obedient Humble Servt.,
C.T.

LB (DNA: PCC, item 18B). Addressed: "William Livingston Esqr."

¹ Although this letter is addressed to "William Livingston," it was clearly intended for the treasury commissioner Walter Livingston. For the context of the appointment that is its subject, see these *Letters*, 22:419–20, 23:50–51, 502.

The texts of the congressional resolves of May 27 and November 4, 1785, pertaining to this matter—the award of damages to the army's rations contractors and the authority granted Thomson, Livingston, and Comfort Sands for appointing "two disinterested referees" to decide the controversy—were copied into Thomson's letterbook at fols. 130–31. Cf. *JCC*, 28:397, 29:870.

Melancton Smith's Notes of Debates

[September 27, 1787]¹

On the constitution reported by the Convention.

The motion of Mr Dane for Sending forward the Constit. with an opin.

Renewed.²

Mr. Butler. Wishes to know the motives that produced the motion—he thinks it is calculated to disapprove.

Mr. Dane. Asks to know what words are object[ionable].

1. The consolidat[ion] imperfect & will not work.

2. If it does it will not work on free principles—it must be supported by a standing Army—it will oppress the honest and industrious—will adv[anta]g[e] a few—is not averse to Exa[mination], is open to convictn—and if convinced will suppor[t] it—is willing the prest. motion should be amended so as to be neutral. If it is to be approved it will be moved to take it up by paragraphs—objections stated, amendments moved—Congress no cons[titutional] right to cons[i]d[er].

Mr. Lee.³ Every man to see with his own eyes—to judge for themselves—Congress acting under the pres. constitution, defin[ite]ly limitting their powers, have no right to recomd. a plan subverting the Govt—this remark felt, as a Gent. yesterday justify, by the necessity of the case—this dang[erous] because this prin[cip]l[e] has been abusd. to bad 100 tims. where it is used for good. The impost referred as an inst[an]ce to justify—that within the powers sent to receiv[e] the app[roval] of 13 S[tate]s & within the Line—this by nine—this plan proposes destroy. the Conf. of 13 and a new one of 9—yet it wd. be indec[en]t not to send it to the S[tate]s for 12 States sent Del[egates] as he und[erstand]s to amend the pres. govt. Men of res[pecte]d Ch[aracter]s have agreed upon this it sho[uld] be for[ward]ed.

A Gen. yesd said the Conf. says nothg. of Conven. It is true it does nt. point a conv. but it does not forbd. them to be propsd. by one, or any other way, Congs. is only to agree—if this was not destruct. but an amdt. Cong. might consd. Proposes a Resolution, stating that as Cong. have no right under the Conf. to rec[ommen]d alt[eration] of the conf. unless agred to by 13 S. & this prop. an amdt. by 9.⁴

Mr. King. Recds. moderation, & is sorry Mr Dane is intemperate.

H. Lee. Approves the motn. of Mr L, R H Lee, as bring. the point to view, whether that shall be passed, with in[.]es—or without. Thinks Mr D. has not app[eare]d. int[emperate].

R H Lee. At a loss to undersd. Mr K—feel his pulse & he will find no intem[perance] Congs. must do somg.—some think it must be appd—some think we have no right to determ—he that his motion neutral—if he is called to approve, his conscience will oblige him to declare his senti[ment]s—he is candid—not sinister.

Mr. Clark. Dont like any prop[osa]l yet made—he cant appr. it—but thinks it will ans. no purpose to alter it—will not oppo. it in any place—prefers a resol. to postpone to take up one, barely to forward a copy to the States, to be laid before the Legis[latu]re to be re[ferre]d to co[n]ven[tion]s.⁵

R H Lee. The Res. moved is an appr[oval].

Clark. Does not mean to approve the plan—but the resn. of conv. to be laid before the convent. of the States—by that we only approve that it be laid before the states, but does not recomd. that be ratified. We may take it up and alter it.

Mr Goram—hopes it will be postpd.—as it is plainer—the resol. of Mr Lee states we cant. take it up—and will prev. Cong. from setting the Gov. to work if 9 or 10 Sts. agree to it. Therefore there must be war—the new Govt. must raise troops to upset Congs.

Grayson—The mot[ion] from Virg. better than Jersey—the one fm Jersey just forwds the pro[posal] by a bare implicit approb—the on[e] Virg. gives a reason why it dont appv.—and leaves the adv[ocates] to say Cong. wd. have appd. if they could—in fav. of the mot. fm Virg.—is in fav. of the new Constn.—this props. a mode of altg.—if we depart fm the mode in this case, it will form a precedt. from doing it in the old one—the 13th Art. found—9 S. may agree to the new—the other 4 ought to be left in poss. of this, if they chuse & not forced to come in—does not think there has yet been any dep. fm the Conf.—Cong. had a right to refer to any body to report—keep the prest. until you get a better—agt. the Cons—it affects his State—persl. right—not in the danger some fear—Bills of right ess[ential] in Monarchys—the Govt. is democratic all over. Liberty as safe as in the hands of R. Island if not embard respg. pers. Liberty—But cant say so as to property, an Idea taken up, never admitted in confed—Majority never governs—the Netherlds. instanced—nine States shd have been reqd—the repress. in the Senate inequal.

R. H. Lee. It is objd. that if this Congress cannot decide now a new future one cannot—has not force, for this is a first prinl. that the majy. of the people have a right to make a new one if 9 States agre the majority of the people.

H. Lee. Will vote for the postpon. because he supposes we have a right to decide from the great principle of necessity or the *salus populi*—this necessity justifies the measure Cong. and all the States have decided it. Are the Laws of Congs. paramt. to the Constituti[ons] of the diff. S[tate]s.

Mr. Dane. Wishes to steer in the chanl. of neutrality—yet suggest whether a motion which brings into view so materially the Question of 9 States—prefers N Jersey—Understands the clause which makes the clause declarg. the Constn. the supreme Law. diff. from the conven.⁶

R H Lee. We live in an enlightned age—people will understand us—to accomodate has left out the words 9 & 13. Will consent they may be put out. The doctrin of *salus populi* dang[erous]. Has been in the mo[uth]s of all tyr[ant]s. If men may do us they please fm. that arg. all Cons[titution]s useless—all tyrants have used it.

Madison. Cant. accede to it—is not respectful to the Conv—after w[ha]t has been done, if Cong. does not agree implies a disagreement. Cong. fm former acts do not object to a national gov—if either motn. is adopted it implies disap—the ques. is wheth. on the whole it is best to adopt it & ought to say so. The powers of Conv. the same as of Congs. The reason of Conv. that they might not be interrupted, and that persons might be admd. wthr [or] not be in Congs.—and to prevent Jealousies. If this house cant approve it says the crisis is not yet arrived—& impls. a disapp[ointment]—a great many Inst. Cong. have recomd. what they have no right.

R. H. Lee. The conv. have not proceeded as this house were bound—it is to be agreed to by the States & means the 13—but this recomds. a new Confedy of 9—the Conv. no more powers than Congress, yet if 9 States agree becomes supreme Law. Knows no instance on the Journals as he remembers, opposing the Confedy.—the impost was to be adopted by 13. The Resol. fm Jersey approves, for Cong. dont send out any thing but such as they approve.

Mr Clark. Unhappy to differ fm Mr Lee, he reveres his Jud[gment]—if his obj good, his own prop. liable to the like obj.

Johnson. Hardly possible to send it out witht. approvg. or disaprov. g.—for this reason Mr Lee's motion. Cong. ought to approve or disapprove—they may do it—it is their duty to do it. The people will see we, that Cong. act witht. power, in the case of 9 or 13—they will see, that the act of Feby. was departing from the Constitn.⁷ Conf. says Congress was to mk. alter. Cong. apps. a Conven. to do it—he saw it so at the time and opposed it⁸—the argts. then were *salus populi*—nothing from Congress wd. do—the prop. fm Conv. not a prop. to 9 but to

all, it is hoped all will. Mr Lee says if 9 agree to alter by the people—this says if 9 do in that case, we will set it going on the principle of maj. On the principle of Cong. referring to the Conv. they are a Commt. and have made report, Congress then must approve or disapprove—it dont imply an approbation of all its parts, but the best upon the whole, a matter of accomodation—we say it is better than the present—better than running the risque of another.

Madison. Did not say the Conv. moved exactly in the Line of their app[ointment]. Cong. did dept. fm the Idea of federal & recomd. a national Govt. in Feby 1781.⁹ Congress did from the principle salus populi—The western Country its sale & Govt—an instance of exceeding powers—as Congress have in many Instances exceeded their power, if it does not in this Inst. aprove it will imply disappr.

R H Lee. The wes. Country was once Virgs. She gave it to Congress. Cong. sells it as she had a right. The Government tempory. & not inconsistent. If I unders[tand] Gen. This is to be adopted & no other with alter. Why so? good things in it—but many bad—so much so tht. he says here as he will say every where that if adopted civil Liberty will be in emt. danger. The grts. parts of diff[icult]y arises fm debt—if that was removed—and cd make treats without the limitations—and to regulate the trade with reasonable limits—but at all events, he sees not the necessity. of pressing this without any amends.—thinks the Convs. had best have had the Liby. to alter.

Butler. The quest. ought to be on the whole—no amendments—the Object[ion]s not pointed—Dane has leading objections but declines naming them. Lee dangerous to civil Liberty—the Conv. could have made a better—but that this best on the whole—have no power and it will answer no purpose to alter—The State of the Country contemptible abroad—and on the eve of Anarc[h]y at home. Anarchy will follow if it is not adopted.

The motion from Mr. Lee was postponed, and then a motion was made by Mr. Car.¹⁰

H Lee. Thinks the matter was to be taken up in its parts, but cannot agree to it in all its parts, with[out] examination by paragraphs and propose s[u]ch amendmts as are necessary. Cong. will subject themselves to disgrace by voting on a matter whh. they have not ex[amine]d. Moves to postpone & taken up by Paragraph.

Goram. Thinks not necessary to take up by Paragraphs, every Gentl. may propose amendments—no necessity of a Bill of rights; because a Bill of rights in state Govts. was intended to retain certain powers, as the Legis. had unlimd. powers.

Madison. The business is open to considn.—shd feel delicacy if he had not assented in Conv. though he did not approve it. Gen have sd. this is in the sit[uation] of a Bill agreed to by one house. This prin. will oppose amends. becs. the act if altered will not be the act of both.

It must be altered in all stages—it may be, but it cannot succeed, nor any other alteration. If all are to agree in this manner Confed. was proposed without alteration—no probab[ilit]y of Cong. agreeing in Alts. Those who disagree, differ in their opins. A Bill of rights unny.—because the powers are enumerated and only extend to certain cases—& the people who are to agree to it are to establish this.

R. H. Lee. It is admd. and fact that this was to be sent to Cong but surely it was to be consd. and altered, & not to be sent forward witht. The bill of rights will be brot. forwd.—not necessary in conf. because it is expressly declared no power shd. be exercised, but such as is expressly given—and therefore no constructive power can be exercised—to prevent this the great use of a Bill of rights.

Mr King. The House cannot cons[titutionall]y make alterations. The Idea of Conv. originated in the States, and this led the house to agree—they proposed the Conv. shd. propose alterations, which when agreed to here & confirmed by the States—& therefore are to agree or disagree to the alterations and cannot alter consiste[n]tly with their own act. Cong. have taken their Line, but in conseqnce. of the decis[i]on. . . .] The maj. of the people it is said may alter, and if they have man[ifeste]d a desire to change, this house may advise it, as it is not obligatory—we may advise as any other body of men—to satisfy forms it was ordered to pass this house, they may agree or disagree if they do disagree it will not prevent them to accept, if they agree it will give weight.

R H Lee. Strangest doctrine he ever heard, that referring a matter of report, that no alterations shd be made. The Idea the common sense of Man. The States & Congress he thinks had the Idea, that congress was to amend if they thot. proper. He wishes to give it a candid enquiry, and proposes such alterations as are necessary—if the Gen. wishes it shd go forth witht. amendt.—let it go with all its imperfections on its head & the amendments by themselves—to insist that it should go as it is without amendments, is like presen[ti]ng a hungry man 50 dishes and insisting he shd eat all or none.

Mad[iso]n. A circumst[ance] distinguishes this report from others—the Conv. was not appd. by Cong. but by the people from whom Cong. derive their power—Cong. only to concur—admits Congress may alter—but if they do alter, it is not the act of Conven but of Congress—and excludes Conv. entirely and confines the house in the trammels of the Confed—not unusual to propose things in the Lump—so the confederation was presented.

Lee.¹¹ A Report implies a right to consider on the whole or part—the Confed. went in such way as to admit of objects.—and most States propose them. If it is amended, he thinks it will be more likely to succeed, as capital objections will probably be removed—the Idea seems

to be, this must be agreed to or nothing else, why this Idea, this supposes all wisdom centers in the Convent.

Goram. Why does not the Gent. propose his amendments—then the question of the expediency of the amendments will be consid.

Johnson. The term of Report, a general expression, not meant as in cases where report is made to Congress—the people and Congress agree the alterations shall be made by Convention, and the nature of things forbids any alteration as it will make it no act of Conv. Cong. are not to judge in the last resort, but the people, and therefore it must be appd. or disappd. in the whole.

R H Lee. Is it the Idea of Conv. that not only Congress but the States must agree in the whole, or else to reject it—and it seems all Idea of amendments are precluded.

Maddison. The proper question is whether any amendments shall be made and that the house should decide—suppose alters. sent to the State, the Acts require the Delegates [*to the Constitutional Convention*] to report to them—there will be two plans—some will accept one & some another this will create confusion and proves it was not the intent of the States.

R. H. Lee. Some admit the right but doubt the expediency—and proposes amendments.¹²

Dane. The Gent. fm the Conv. are pushing the business by refinements. That the common sense of the Country—if the house mean to preclude amendmts. the Gent. will stand excused to vote in the negative.

Carrington. When he made the motion supposed every man had a right to examine, he had consid. and made up his mind, if any Gentn. has not made up his mind, he ought to have a Liby of amending—for tho he thinks it inexpedient to amend, as he fears it wd. defeat the whole—important amends. are offered by a member he ought to have a right to support them.

Clark. The motion by Mr Lee for amendments, will do injury by coming on the Journal, and theref. the house upon cool reflection, will think it best to agree to send it out without agreeing.

Grayson. Is in a curious situation, it is urged all alterations are precluded, has not made up his mind—and thinks it precipetous to urge a decision in two days on a subj. took 4 Months. If we have no right to amend, then we ought to give a silent passage—for if we cannot alter, why should we deliberate. His opinion they shd stand solely upon the opin. of Conv. The salus populi much talked off—this Con. will not remove our diff—the great defects a disinclin. to pay money—this removed our great dif wd be over—no necessity to urge to a hasty decision, in 2 or 3 Years we shld. get a good govern.¹³

MS (N: Smith Papers). In the hand of Melancton Smith.

¹ These notes cover the renewal of a congressional debate "On the constitution reported by the Convention" that was opened on September 26, renewed the 27th, and concluded on the 28th. The documentary evidence on the congressional response to the Constitution is fragmentary, ambiguous, and meager. The present notes by New York delegate Melancton Smith, which became publicly available in 1959, are now the fullest source known for the study of this debate.

The Constitution adopted by the Philadelphia Convention September 17 was delivered to the secretary of Congress, Charles Thomson, by the secretary of the Convention, William Jackson, on September 19, and read in Congress on the 20th. On the evidence of the correspondence of William Bingham and Edward Carrington, it is known that Congress set Wednesday September 26 "for its Consideration," and Thomson's original journal entry for the 27th, which was later deleted, records that "Congress resumed the Consideration of the form of a Constitution." It is clear that Smith's notes pertain to this resumption. Cf. *JCC*, 33:487-503, 536-37, 540-44.

The motions by Nathan Dane and Richard Henry Lee that were generated by the debate were not entered on the journals by Secretary Thomson, however, and the conjectures by the editors of the modern edition of the journals that Dane's undated motion was offered the 27th is contradicted by the second line of Smith's notes: "The motion of Mr Dane for Sending forward the Constit. with an opin. Renewed." Neither of these manuscript motions (PCC, item 36, 3:375-77) is dated, and only Dane's bears an endorsement (by Charles Thomson): "Mr. Dane's Motion respectg new Constitution Octr. 1787." Whether Dane actually gave this motion to Thomson some time in October, or Thomson simply misdated it at a later time, cannot now be determined, but whatever the facts it is clear from Smith's notes, which twice refer to comments made "yesterday," that they record the congressional debate of September 27. For previous printings of the notes since their discovery in 1959, see Julius Goebel, Jr., "Melancton Smith's Minutes of Debates on the New Constitution," *Columbia Law Review* 64 (Jan. 1964): 26-43; and *Doc. Hist. of Ratif.*, 1:327-40, 13:229-41.

² For a mis-reading of this word as "received," which bears crucially on the date of this day's debate, cf. *Doc. Hist. of Ratif.*, 1:327, 13:232. It was printed as "reserved" in Goebel, "Melancton Smith's Minutes," p. 34.

³ That is, Richard Henry Lee, as opposed to Henry Lee.

⁴ See *JCC*, 33:540-41.

⁵ For Abraham Clark's motion on this subject, see *ibid.*, p. 541.

⁶ Cf. paragraph two of Article VI of the Constitution. *JCC*, 33:499.

⁷ That is, Article XIII of the Articles of Confederation. *JCC*, 19:221-22.

⁸ See James Madison's Notes of Debates, February 21, 1787, note 6.

⁹ Perhaps a reference to the recommendation to the states to vest Congress with authority to raise revenue. See these *Letters*, 16:687-88.

¹⁰ For this motion by Edward Carrington, see *JCC*, 33:542.

¹¹ Richard Henry Lee.

¹² For these amendments, see Richard Henry Lee to Elbridge Gerry, September 29, enclosure.

¹³ For a summary of the entire September 26-28 congressional debate on the Constitution, see James Madison to George Washington, September 30.

Charles Thomson to the Board of Treasury

Gentlemen

Office of Secy of Congress, Sept. 27th. 1787.

Though I have no doubt but in consequence of the reference of the former letters from Mr Dumas touching the Arrears due, and the

Salary allowed him, that You have taken order for discharging the one and for the payment of the other, yet it appears by a letter of the 30th of June last, that Your orders have not reached him.¹ I send You an extract of his letter and have the honor to be, Gentlemen, Your &c

LB (DNA: PCC, item 18B).

¹ For Congress' July 24 order concerning the payment of Charles W. F. Dumas' salary and the settlement of his accounts, see *JCC*, 33:405. His June 30 letter to John Jay, with John M. Pintard's translation from the French, is in PCC, item 93, 3:275-77, 287-89.

William Pierce to St. George Tucker

[September 28, 1787]

You ask me for such information as I can, with propriety, give you, respecting the proceedings of the Convention: In my letter from Philadelphia, in July last,¹ I informed you that everything was covered with the veil of secrecy. It is now taken off, and the great work is presented to the public for their consideration. I enclose you a copy of it, with the letter which accompanies the Constitution.²

You will probably be surprised at not finding my name affixed to it; and will, no doubt, be desirous of having a reason for it. Know then, Sir, that I was absent in New York on a piece of business so necessary that it became unavoidable.³ I approve of its principles, and would have signed it with all my heart, had I been present. To say, however, that I consider it as perfect, would be to make an acknowledgment immediately opposed to my judgment. Perhaps it is the only one that will suit our present situation. The wisdom of the Convention was equal to something greater; but a variety of local circumstances, the inequality of states, and the dissonant interests of the different parts of the Union, made it impossible to give it any other shape or form.

The great object of this new government is to consolidate the Union, and to give us the appearance and power of a nation. The inconvenience of the different states meeting on the footing of compleat equality, and as so many sovereign powers confederated, has been severely felt by the Union at large; and it is to remedy this evil that something like a national institution has become necessary. The condition of America demands a change; we must sooner or later be convulsed if we do not have some other government than the one under which we at present live. The old Federal Constitution is like a ship bearing under the weight of a tempest; it is trembling, and just on the point of sinking. If we have not another bark to take us up we shall all go down together. There are periods in the existence of a political society that require prompt and decisive measures; I mean that point of time between a people's running into anarchy and an anx-

ious state of the public mind to be rescued from its approaching mischiefs by the intervention of some good and efficient government. That is precisely the situation in which we seemed to be placed. A question then arises, shall we have this government, or shall we run into confusion? It is with the people to decide the alternative.

I am well aware that objections will be made to this new government when examined in the different states; some will oppose it from pride, some from self-interest, some from ignorance, but the greater number will be of that class who will oppose it from a dread of its swallowing up the individuality of the states. Local circumstances will weigh against the general interest, and no respect will be paid to all the parts aggregated which compose the Confederacy. Good as well as bad men will probably unite their interest to oppose it, and some small convulsions may possibly happen in some of the states before it is adopted, but I am certain it is the ark that is to save us. I therefore hope and trust it will be accepted. It is a difficult point to concentrate thirteen different interests so as to give general and compleat satisfaction. But as individuals in society (to use an old hackneyed and well known principle) give up a part of their national rights to secure the rest, so the different states should render a portion of their interests to secure the good of the whole. Was this question proposed to each of the states separately, "What kind of government is best calculated for the people of the United States?" there would be as many different opinions as there are different interests. It would be like the decisions of the seven wise men of Greece, who were called on, at the Court of Periander, to give their sentiments on the nature of a perfect commonwealth—they all judged differently, but they all judged right, in the view each man had of it.

Many objections have been already started to the Constitution because it was not founded on a Bill of Rights; but I ask how such a thing could have been effected; I believe it would have been difficult in the extreme to have brought the different states to agree in what probably would have been proposed as the very first principle, and that is, "that all men are born equally free and independent." Would a Virginian have accepted it in this form? Would he not have modified some of the expressions in such a manner as to have injured *the strong sense of them*, if not to have buried them altogether in *ambiguity and uncertainty*.

In my judgment, when there are restraints on power, to prevent its invading the positive rights of a people, there is no necessity for any such thing as a Bill of Rights. I conceive civil liberty is sufficiently guarded when personal security, personal liberty, and private property, are made the peculiar care of government. Now the defined powers of each department of the government, and the restraints that naturally follow, will be sufficient to prevent the invasion of either of those rights. Where then can be the necessity for a Bill of Rights? It is

with diffidence I start this question; I confess I cannot help doubting the negative quality which it conveys, as some of the greatest men I ever knew have objected to the government for no other reason but because it was not *buttoned with a Bill of Rights*; men whose experience and wisdom are sufficient to give authority and support to almost any opinion they may choose to advance.

I set this down as a truth founded in nature, that a nation habituated to freedom will never remain quiet under an invasion of its liberties. The English history presents us with a proof of this. At the Conquest that nation lost their freedom, but they never were easy or quiet until the true balance between liberty and prerogative was established in the reign of Charles the second. The absolute rights of Englishmen are founded in nature and reason, and are coeval with the English Constitution itself. They were always understood and insisted on by them as well without as with a Bill of Rights. This same spirit was breathed into the Americans, and they still retain it, nor will they, I flatter myself, ever resign it to any power, however plausible it may seem. The Bill of Rights was not introduced into England until the Revolution of 1688, (upwards of 600 years after the Conquest) when the Lords and Commons presented it to the Prince and Princess of Orange. And afterwards the same rights were asserted in the Act of Settlement at the commencement of the present century, when the crown was limited to the House of Hanover. It was deemed necessary to introduce such an instrument to satisfy the public mind in England, not as a bottom to the Constitution, but as a prop to it; and hereafter, if the same necessity should exist in America, it may be done by an act of the Legislature here, so that the Constitution not being founded on a Bill of Rights I conceive will not deprive it at any future time of being prop by one, should it become necessary.

A defect is found by some people in this new Constitution, because it has not provided, except in criminal cases, for Trial by Jury. I ask if the trial by jury in civil cases is really and substantially of any security to the liberties of a people. In my idea the opinion of its utility is founded more in prejudice than in reason. I cannot but think that an able Judge is better qualified to decide between man and man than any twelve men possibly can be. The trial by jury appears to me to have been introduced originally to soften some of the rigors of the feudal system, as in all the countries where that strange policy prevailed, they had, according to Blackstone, "a tribunal composed of twelve good men, true *boni homines*, usually the vassals or tenants of the Lord, being the equals or peers of the parties litigant."¹ This style of trial was evidently meant to give the tenants a check upon the enormous power and influence of their respective Lords; and, considered in that point of view, it may be said to be a wise scheme of juridical polity; but applied to us in America, where every man stands upon a

footing of independence, and where there is not, and I trust never will be, such an odious inequality between Lord and tenant as marked the times of a Regner or an Egbert, is useless, and I think altogether unnecessary; and, if I was not in the habit of respecting some of the *prejudices* of very sensible men, I should declare it ridiculous. An Englishman to be sure will talk of it in raptures; it is a virtue in him to do so, because it is insisted on in Magna Charta (that favorite instrument of English liberty) as the great bulwark of the nation's happiness. But we in America never were in a situation to feel the same benefits from it that the English nation have. We never had anything like the Norman trial by battle, nor great Lords presiding at the heads of numerous tribes of tenants whose influence and power we wished to set bounds to.

As to trial by jury in criminal cases, it is right, it is just, perhaps it is indispensable, the life of a citizen ought not to depend on the fiat of a single person. Prejudice, resentment, and partiality, are among the weaknesses of human nature, and are apt to pervert the judgment of the greatest and best of men. The solemnity of the trial by jury is suited to the nature of criminal cases, because, before a man is brought to answer the indictment, the fact or truth of every accusation is inquired into by the Grand Jury, composed of his fellow citizens, and the same truth or fact afterwards (should the Grand Jury find the accusation well founded) is to be confirmed by the unanimous suffrage of twelve good men, "superior to all suspicion." I do not think there can be a greater guard to the liberties of a people than such a mode of trial on the affairs of life and death. But here let it rest.

The most solid objection I think that can be made to any part of the new government is the power which is given to the Executive Department; it appears rather too highly mounted to preserve exactly the equilibrium. The authority which the President holds is as great as that possessed by the King of England. Fleets and armies must support him in it. I confess however that I am at a loss to know whether any government can have sufficient energy to effect its own ends without the aid of a military power. Some of the greatest men differ in opinion about this point. I will not pretend to decide it.

It requires very little wisdom or forethought to see into the consequences of the government when put compleatly in motion. You will observe that one branch of the Legislature is to come from the People, the other from the several State Legislatures; one is to sympathize with the people at large, the other with the sovereignty of the states, but the suffrages of the two are unequal; the House of Commons will have sixty-five votes, while the Senate has only twenty-six. Some of the states will have eight and ten Members in the Lower House, some only two or three, but all will have an equal number in the Senate. The Ju-

dicial Power is to extend "to controversies between two or more states, between a state and citizens of another state, between citizens of different states, and between a state and the citizens thereof, and foreign states, citizens, or subjects." And the President is to be Commander in Chief of the Fleets and Armies of the United States, and the Militia of the states when called into the service of the Union. All this taken collectively forms such a power independent of the states as must eventually draw from them all their remaining sovereignty. Whether such a thing is desirable or not let every man appeal to his own judgment to determine. It is clearly my opinion that we had better be consolidated than to remain any longer a confederated republic.

I would say something about the Article of Commerce, but it involves in it so much inquiry and calculation that I will reserve it for another letter. I know the most popular opposition in Virginia will be founded on this head, but I think it can be proven beyond a doubt that a uniform regulation of its principles will secure lasting and equal advantages to every part of the empire. If this right had at first been lodged in the hands of Congress we should not at this day be in the condition we are.

Tr (*AHR*, 3 [January 1898]: 313–17). Reprinted from the *Georgia Gazette*, March 20, 1788, where it appeared under the caption "Virginia. Extract of a letter from the Hon. William Pierce, Esq., to St. George Tucker, Esq., dated New York, Sept. 28, 1787."

¹ Pierce is referring to his June 27 letter to Tucker from Philadelphia.

² For which see Charles Thomson to the States, this date.

³ Pierce had returned to Congress on August 27. See *JCC*, 33:485. While a delegate at the Philadelphia Convention, or perhaps at some time after his return to Congress, Pierce entered in a small manuscript volume his notes on convention proceedings, a brief anecdote about Washington's concern about secrecy in the convention, and a series of character sketches, state by state, or the members of the convention, which included ten delegates to Congress—Nicholas Gilman, John Langdon, Nathaniel Gorham, Rufus King, William Samuel Johnson, James Madison, William Blount, Pierce Butler, William Few, and Pierce himself. These sketches have been reprinted in *AHR*, 3 (January 1898): 325–34; and Farrand, *Records of the Federal Convention*, 3:87–97.

⁴ See William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Philadelphia: R. Bell, 1771–72; reprinted from the 4th ed., Oxford: Clarendon Press, 1770), 3:349.

Arthur St. Clair to Benjamin Franklin

Sir New York Sept. 28th. 1787.

In pursuance of your Excellency's Letter in Council of the 22d instant, The Delegates of the State had yesterday, a conference with Governor Clinton upon the Subject of the Intelligence contained in the Papers enclosed to him.¹

Governor Clinton seems perfectly well disposed to concur in any general Measure that may tend to preserve the Peace of the two

States; but he appre[he]nds no Danger from most of the Persons mentioned in those Papers.² On the contrary he seems to think they are disposed to become peaceable and orderly Citizens of the State of New York, particularly Ac Moodrey,³ in whom he appears to have a Confidence. As General Irwine and Mr. Bingham are both going to Philada. I beg leave to refer your Excellency to them for more particular Information.

As to Franklin and Jenkins⁴ The Delegates are of Opinion that no more proper method can be pursued than that suggested in your Excellencys Letter, of sending a few resolute Men to take them off: and should they be on the York side of the Line, or take refuge within that State, the apprehending them will give no Offence to the Government. On the Contrary the Governor is ready to concur with the Measure,⁵ and to that End has proposed that the Warrant, that may be thought proper to issue against those Men, be sent here, when he will get it backed by the Chief Justice, and accompany it, so backed, with his own Warrant under the privy Seal commanding all the Inhabitants (for they have no Magistrates) of that District to be aiding and assisting in apprehending them. Should Council then adopt the Measure if you will please to enclose the Warrant to me no time shall be lost in presenting it to Governor Clinton and returning it to your Excellency.⁶

I have the Honor to be with the greatest Respect, Sir, Your Excellencys Most obedient Servant,

Ar. St. Clair

RC (PHi: Gratz Collection).

¹ Franklin's letter, and his letter to New York governor George Clinton enclosed with it, are in *Susquehannah Co. Papers*, 9:202–4. The "Intelligence" enclosed alleged that "disorderly People," Connecticut claimants to land in the Wyoming Valley who refused to accept Pennsylvania jurisdiction or the federal court's 1782 Trenton decree, were gathering in New York near the Pennsylvania border in preparation for seizing contested lands. Franklin also reported evidence that the disaffected were "daily increasing by vagabonds from all quarters, and that they expect Reinforcements from Shays' late Partizans, and purpose defending their proceedings by Force of Arms."

For discussion of this threat and analysis of the unresolved issues that prevented Pennsylvania from assuming control of the disputed area because of continued opposition of Connecticut settlers and speculators led by John Franklin and John Jenkins, see *ibid.*, pp. xv–xxxiv.

² See *ibid.*, pp. 179, 182–83, 202.

³ That is, John J. AcMooder, for whom see *ibid.*, pp. 117, 149–50, 236, 523–25.

⁴ For charges that John Franklin and John Jenkins were engaged in treasonous activities against Pennsylvania, and the Council's September 25 proclamation authorizing their arrest for having "violently opposed the execution of the law in the county of Luzerne, and drove many of the claimants under Pennsylvania from their habitations and the county," see *ibid.*, pp. xxv–xxx, 204–5.

⁵ See *ibid.*, pp. 236–37, 399n.

⁶ For the Pennsylvania Council's subsequent efforts to retain New York's cooperation in this campaign against insurgents on the state's borders, see *ibid.*, pp. 229–30, 236–38. For Franklin's October 20 response to a now missing October 18 letter from the Pennsylvania Delegates (John Armstrong, William Irvine, and St. Clair) concerning this subject, see *ibid.*, p. 247.

Charles Thomson to the States

Sir, (Circular) Office of Secretary of Congress, Sept. 28th. 1787.

In obedience to an unanimous resolution of the United States in Congress Assembled, a copy of which is annexed,¹ I have the honor to Transmit to Your Excellency, the Report of the Convention lately Assembled in Philadelphia, together with the resolutions and letter accompanying the same;² And have to request that Your Excellency will be pleased to lay the same before the Legislature, in order that it may be submitted to a Convention of Delegates chosen in Your State by the people of the State in conformity to the resolves of the Convention, made & provided in that case.

With the greatest respect, I have the honor &c, C.T.³

LB (DNA: PCC, item 18B). Endorsed: "transmitting the Report of the Convention."

¹ For this September 28 resolution, see *JCC*, 33:549.

² These enclosures consisted of the draft of the proposed constitution adopted at Philadelphia September 17, two resolutions adopted the same day for its ratification and implementation, and a letter to Congress from the convention's president, George Washington, explaining their work and recommending the product of their deliberations. See *JCC*, 33:488–503. For the 4-page printed document incorporating these texts and Congress' September 28 resolution, which was the form of Thomson's enclosure to the states, see PCC, item 122, fol. 98; Evans, *Am. Bibliography*, no. 20,817; and *JCC*, 33:760 (no. 593).

For the reception of the Constitution by Congress and the delegates' response to it, see also Melancton Smith's Notes, September 27, note 1; and William Pierce to St. George Tucker, this date.

³ Another September 28 congressional resolution was also transmitted to the states this date, but under cover of the following letter from the secretary for foreign affairs, John Jay, rather than Secretary Thomson. "Sir, Although the Act of Congress of which the enclosed is a Copy has been published, yet it appearing proper that your Excellency should receive it in an official manner, I do myself the honor of transmitting it under the same Cover with this." PCC, item 120, 3:290–91. The enclosed resolution, concerning "whether foreign counsuls residing in the United States are entitled to an exemption from . . . imposts and duties on Merchandizes by them imported for their own use," declared simply "That no consuls of any Nation are entitled to such exemptions in the United States." *JCC*, 33:549.

Richard Henry Lee to Elbridge Gerry

Dear Sir,

New York Sept. 29. 1787

According to your request I now enclose you the Amendments that I proposed to the new Constitution.¹ I incline to think that unless some such alterations & provisions as these are interposed for the security of those essential rights of Mankind without which liberty cannot exist, we shall soon find that the New plan of Government will be far more in-

convenient than anything sustained under the present Government. And that to avoid Scilla we shall have fallen upon Caribdis.

I am yours sincerely,

Richard Henry Lee

E N C L O S U R E

It having been found from Universal experience that the most express declarations and reservations are necessary to protect the just rights and liberty of Mankind from the Silent, powerful, and ever active conspiracy of those who govern—And it appearing to be the sense of the good people of America by the various Bills or Declarations of rights whereon the governments of the greater number of the States are founded, that such precautions are proper to restrain and regulate the exercise of the great powers necessarily given to rulers—In conformity with these principles, and from respect for the public sentiment on this subject it is submitted

That the new Constitution proposed for the Government of the U. States be bottomed upon a declaration, or Bill of rights, clearly and precisely stating the principles upon which this Social Compact is founded, to wit; That the rights of Conscience in matters of religion shall not be violated—That the freedom of the Press shall be secured—That the trial by Jury in Criminal and Civil cases, and the modes prescribed by the Common Law for safety of Life in Criminal prosecutions shall be held sacred—That standing Armies in times of peace are dangerous to liberty, and ought not to be permitted unless assented to by two thirds of the Members composing each House of the legislature under the new constitution—That Elections of the Members of the Legislature should be free and frequent—That the right administration of justice should be secured by the freedom and independency of the Judges—That excessive Bail, excessive Fines, or cruel and unusual punishments should not be demanded or inflicted—That the right of the people to assemble peaceably for the purpose of petitioning the Legislature shall not be prevented—That the Citizens shall not be exposed to unreasonable searches, seizures of their papers, houses, persons, or property. And whereas it is necessary for the good of Society that the administration of government be conducted with all possible maturity of judgment; for which reason it hath been the practise of civilized nations, and so determined by every State in this Union, that a Council of State or Privy Council should be appointed to advise and assist in the arduous business assigned to the Executive power—therefore, that the New Constitution be so amended as to admit the appointment of a Privy Council, to consist of Eleven Members chosen by the President, but responsible for the advise they may give—for which purpose the Advice given shall be entered in a Council Book and signed by the Giver in all affairs of great concern. And that the Counsellors act under an Oath of Office.

In order to prevent the dangerous blending of the Legislative and Executive powers, and to secure responsibility—The Privy Council and not the Senate shall be joined with the President in the appointment of all Officers Civil and Military under the new Constitution—That it be further amended so as to omit the Creation of a Vice President, whose duties, as assigned by the Constitution, may be discharged by the Privy Council (except in the instance of presiding in the Senate, which may be supplied by a Speaker chosen from the body of Senators by themselves as usual) and thus render unnecessary the establishment of a Great Officer of State who is sometimes to be joined with the Legislature and sometimes to administer the Executive power, rendering responsibility difficult, and adding unnecessarily to the Aristocratic influence; besides giving unjust and needless preeminence to that state from whence this Officer may come. That such parts of the new Constitution be amended as provide imperfectly for the trial of Criminals by a Jury of the Vicinage, and to supply the omission of a Jury trial in Civil causes or disputes about property between Individuals where by the Common law it is directed, and as generally it is secured by the several State Constitutions. That such other parts be amended as permit the vexations and oppressive calling of Citizens from their own Country in all cases of controversy concerning property between Citizens of different States, and between Citizens and foreigners, to be tried in far distant Courts, and as it may be, without a Jury. Whereby in a multitude of Cases, the circumstances of distance and expence may compel men to submit to the most unjust and ill founded demands. That in order to secure the rights of the people more effectually from oppression, the power and respectability of the House of Representatives be increased, by increasing the number of Delegates to that House where the democratic interest will chiefly reside. That the New Constitution be so altered as to increase the number of Votes necessary to determine questions relative to the creation of new or the amendment of old Laws, as it is directed in the choice of a President where the Votes are equal from the States; it being certainly as necessary to secure the Community from oppressive Laws, as it is to guard against the choice of an improper President. The plan now admitting of a bare majority to make Laws, by which it may happen that 5 States may Legislate for 13 States tho 8 of the 13 are absent.

That the new Constitution be so amended as to place the right of representation in the Senate on the same ground that it is placed in the House of Delegates thereby securing equality of representation in the Legislature so essentially necessary for good government.

RC (DNDAR: 2000X-48b). Endorsed by Gerry: "Colonel R H Lees propositions to amend the Constitution, Sepr 1787."

¹ These proposed "Amendments" had first been introduced in Congress during debate on September 27, but were not entered on the journals. Cf. Melancton Smith's

Notes, September 27, note 12; and *JCC*, 33:540–44. Lee also sent copies of the amendments to George Mason (October 1), William Shippen, Jr. (October 2), Samuel Adams (October 5), and Gov. Edmund Randolph (October 16). Manuscript copies were widely circulated in Virginia and the amendments were first published in the November 16 edition of the Winchester *Virginia Gazette*. They were published again, together with Lee's October 16 letter to Randolph, in the December 6 issue of the Petersburg *Virginia Gazette*, which was reprinted in the *Pennsylvania Packet* on December 20. The *Packet* printing was subsequently reprinted in newspapers and pamphlet anthologies throughout the United States and these constituted Lee's chief public opposition to the Constitution. For the distribution and printing of Lee's amendments and the intense opposition they provoked, see *Doc. Hist. of Ratif.*, 8:59–61, 14:364–66. For an assessment of Lee's pivotal role in rousing early doubts about the proposed constitution in its present form, see Richard Leffler, "'A Peep Behind the Curtain': Richard Henry Lee and the Early Opposition to the Constitution," *Documentary Editing* 9 (September 1987): 1–6.

It had long been assumed, based upon slim contemporary evidence, that Lee also wrote the letters of "The Federal Farmer," dated October 8–10, 12–13, in rebuttal to "The Republican." They became available in New York in pamphlet form as early as November 8. One of the most significant antifederalist publications penned during the debate over the Constitution, *Observations Leading to a Fair Examination of the System of Government Proposed by the Late Convention. . . . In a Number of Letters from the Federal Farmer to the Republican* went through four editions, three of which are extant (Evans, *Am. Bibliography*, nos. 20,454–56). It was widely distributed and elicited numerous essays by detractors and supporters that were published in newspapers throughout the states. They were followed in May 1788 by *An Additional Number of Letters from the Federal Farmer to the Republican* (*ibid.*, no. 21,197).

The attribution of these pseudonymous essays to Lee was first questioned by William W. Crosskey in a cryptic note in the second volume of his *Politics and the Constitution in the History of the United States*, 3 vols. (Chicago: University of Chicago Press, 1953–80), 2:1300, and thoroughly refuted two decades later by Gordon S. Wood. Arguing that the link to Lee rested solely on an assertion by "New England" in a December 24 article in the *Connecticut Courant*, Wood traced the growing acceptance of that assumption over the next two centuries. Examining Lee's writings and the Federal Farmer's letters afresh, Wood found it unlikely they were "the product of the same mind," and concluded that "nothing of what we know of Lee's life and career, none of the remains of his correspondence, nothing in his grandson's *Memoir* published in 1825 suggest that Lee was the author of the *Federal Farmer* essays." Besides, he argued, other evidence "points to the likelihood that he was a New Yorker." See "The Authorship of the *Letters from the Federal Farmer*," *WMQ*, 31 (April 1974): 299–308. For the essays themselves and a review of their publication, see *Doc. Hist. of Ratif.*, 14:14–54; and Storing, *Complete Anti-Federalist*, 2:214–357, which also includes the "additional" letters.

In a similar vein, six essays by "Cincinnatus," published in the *New York Journal* from November 1 to December 6 in answer to an October 6 speech by James Wilson to the citizens of Philadelphia, were also attributed by contemporaries to Richard Henry Lee, a claim equally ignored by recent authorities. See *Doc. Hist. of Ratif.*, 13:529–34, 14:11–14, 124–28, 186–91, 303–10, 360–64; and Storing, *Complete Anti-Federalist*, 6:5–33.

Nicholas Gilman to John Langdon

Dear Sir

New York September 30th 1787

When this meets your hand it may not be unreasonable to Congratulate you on an happy interview with your friends, who I hope you will find in a situation agreeable to your warmest wishes.

The wind has been so fine since you left me I am really sorry you did not take the packet as your passage must have been short and tolerably pleasant. I enclose the letter and resolve requested¹ and must beg the favor of a line soon after your arrival; as I ardently wish to know whether the State will enter promptly and spiritedly into the new plan, or whether there is danger of delay from doubts that may be hovering over the minds of good men or from the insidious intrigues of a few unprincipled fellows. Accounts from Delaware as well as from Pennsylvania & Jersey, are highly in favor of the new Government.

With the greatest Esteem, I am, Your Most Obedient Servant,
N. Gilman

RC (NhHi: Langdon-Elwyn Family Papers).

¹ Perhaps Secretary Charles Thomson's September 28 letter to the states enclosing a resolve recommending that the new constitution "be submitted to a convention of Delegates chosen in each state by the people."

James Madison to James Madison, Sr.

Hond. Sir

New York Sepr. 30. 1787

By Mr. Blair who left Philada. immediately after the rising of the Convention, I sent to the care of Mr. F. Maury a copy of the New Constitution proposed for the U.S. Mr. Blair set out in such haste that I had no time to write by him, and I thought the omission of the less consequence as your last letter led me to suppose that you must about that time be absent on your trip to Frederick. I arrived here on Monday last. The Act of the Convention was then before Congress. It has been since taken up, & by a unanimous vote, forwarded to the States to be proceeded on as recommended by the Convention. What reception this new System will generally meet with cannot yet be pronounced. For obvious reasons opposition is as likely to arise in Virginia as any where. The City of Philada. has warmly espoused it. Both parties there, it is said, have united on the occasion. It may happen nevertheless that a Country party may spring up and give a preponderancy to the opposite scale. In this City, the general voice coincides with that of Philada. but there is less apparent unanimity, and it is pretty certain that the party in power will be active in defeating the new system. In Boston the reception given to it is extremely favorable we are told, but more will depend on the Country than the Town. The eccho from Connecticut & New Jersey, as far as it has reached us, denotes a favorable disposition in those States.

I inclose a few plumb Stones from an excellent Tree. I am aware that this is not the true mode of propagating the fruit, but it some-

times succeeds, and sometimes even improves the fruit. With my affectionate regards to my Mother & the family, I remain yr. dutifl. Son,
 Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:178–79.

James Madison to George Washington

Dear Sir

N. York Sept. 30. 1787.

I found on my arrival here that certain ideas unfavorable to the Act of the Convention which had created difficulties in that body, had made their way into Congress. They were patronised chiefly by Mr. R. H. L. and Mr. Dane of Masss. It was first urged that as the new Constitution was more than an alteration of the Articles of Confederation under which Congress acted, and even subverted these articles altogether, there was a Constitutional impropriety in their taking any positive agency in the work.¹ The answer given was that the Resolution of Congress in Feby. had recommended the Convention as the best mean of obtaining a firm *national Government*; that as the powers of the Convention were defined by their Commissions in nearly the same terms with the powers of Congress given by the Confederation on the subject of alterations, Congress were not more restrained from acceding to the new plan, than the Convention were from proposing it. If the plan was within the powers of the Convention it was within those of Congress; if beyond those powers, the same necessity which justified the Convention would justify Congress; and a failure of Congress to Concur in what was done, would imply either that the Convention had done wrong in exceeding their powers, or that the Government proposed was in itself liable to insuperable objections; that such an inference would be the more natural, as Congress had never scrupled to recommend measures foreign to their Constitutional functions, whenever the Public good seemed to require it; and had in several instances, particularly in the establishment of the new Western Governments, exercised assumed powers of a very high & delicate nature, under motives infinitely less urgent than the present state of our affairs, if any faith were due to the representations made by Congress themselves, echoed by 12 States in the Union, and confirmed by the general voice of the People. An attempt was made in the next place by R. H. L. to amend the Act of the Convention before it should go forth from Congress. He proposed a bill of Rights—provision for juries in civil cases & several other things corresponding with the ideas of Col. M——.² He was supported by Mr. Me——³ Smith of this State. It was contended that Congress had an undoubted right to insert amend-

ments, and that it was their duty to make use of it in a case where the essential guards of liberty had been omitted. On the other side the right of Congress was not denied, but the inexpediency of exerting it was urged on the following grounds. 1. that every circumstance indicated that the introduction of Congress as a party to the reform, was intended by the States merely as a matter of form and respect. 2. that it was evident from the contradictory objections which had been expressed by the different members who had animadverted on the plan, that a discussion of its merits would consume much time, without producing agreement even among its adversaries. 3. that it was clearly the intention of the States that the plan to be proposed should be the act of the Convention with the assent of Congress, which could not be the case, if alterations were made, the Convention being no longer in existence to adopt them. 4. that as the Act of the Convention, when altered would instantly become the mere act of Congress, and must be proposed by them as such, and of course be addressed to the Legislatures, not conventions of the States, and require the ratification of thirteen instead of nine States, and as the unaltered act would go forth to the States directly from the Convention under the auspices of that Body—Some States might ratify one & some the other of the plans, and confusion & disappointment be the least evils that could ensue. These difficulties which at one time threatened a serious division in Congs. and popular alterations with the yeas & nays on the journals, were at length fortunately terminated by the following Resolution—"Congress having recd. the Report of the Convention lately assembled in Philada., Resold. *unanimously* that the said Report,⁴ with the Resolutions & letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made & provided in that case." Eleven States were present, the absent ones R. I. & Maryland. A more direct approbation would have been of advantage in this & some other States, where stress will be laid on the agency of Congress in the matter, and a handle taken by adversaries of any ambiguity on the subject. With regard to Virginia & some other States, reserve on the part of Congress will do no injury. The circumstance of unanimity must be favorable every where.

The general voice of this City seems to espouse the new Constitution. It is supposed nevertheless that the party in power is strongly opposed to it. The Country must finally decide, the sense of which is as yet wholly unknown. As far as Boston & Connecticut has been heard from, the first impression seems to be auspicious. I am waiting with anxiety for the echo from Virginia but with very faint hopes of its corresponding with my wishes.

With every sentiment of respect & esteem, & every wish for your health & happiness, I am Dear Sir, Your Obedient, humble servt.,
 Js. Madison Jr.

P.S. A small packet of the size of 2 vol. 8°. addressed to you lately came to my hands with books of my own from France. Genl. Pinkney has been so good as to take charge of them. He set out yesterday for S. Carolina & means to call at Mount Vernon.⁵

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:179–81.

¹ For the debate of September 27, cf. *JCC*, 33:540–44; and Melancton Smith's Notes, September 27.

² Madison later interlined "Mason." For Richard Henry Lee's "bill of Rights," see Lee to Elbridge Gerry, September 29. For George Mason's "objections" to the proposed Constitution, see *Doc. Hist. of Ratif.*, 8:40–46.

³ Madison later interlined "lancton."

⁴ Madison supplied the italics for the word "unanimously." Cf. *JCC*, 33:549. Others, especially Richard Henry Lee, objected to the use of the word. In his October 1 letter to George Mason (following entry), Lee complained that in reaching a compromise, those who supported the constitution as it emerged from the Convention "took the opportunity of inserting the word *Unanimously*, which applied only to simple transmission, hoping to have it mistaken for an Unanimous approbation of the thing. . . . It is certain that no Approbation was given."

⁵ For Washington's October 10 reply to this letter, see Madison, *Papers* (Rutland), 10:189–90.

Richard Henry Lee to George Mason

Dear Sir,

New York October 1st. 1787

I have waited until now to answer your favor of Sept. 18th from Philadelphia,¹ that I might inform you how the Convention plan of Government was entertained by Congress. Your prediction of what would happen in Congress was exactly verified. It was with us, as with you, this or nothing; & this urged with a most extreme intemperance. The greatness of the powers given, & the multitude of Places to be created, produces a coalition of Monarchy men, Military Men, Aristocrats, and Drones whose noise, imprudence & zeal exceeds all belief—Whilst the Commercial plunder of the South stimulates the rapacious Trader. In this state of things, the Patriot voice is raised in vain for such changes and securities as Reason and Experience prove to be necessary against the encroachments of power upon the indispensable rights of human nature. Upon due consideration of the Constitution under which we now Act, some of us were clearly of opinion that the 13th article of the Confederation² precluded us from giving an opinion concerning a plan subversive of the present system and eventually forming a New Confederacy of Nine instead of 13 States. The contrary doctrine was asserted with great violence in expectation of

the strong majority with which they might send it forward under terms of much approbation. Having procured an opinion that Congress was qualified to consider, to amend, to approve or disapprove—the next game was to determine that tho a right to amend existed, it would be highly inexpedient to exercise that right; but surely to transmit it with respectful marks of approbation. In this state of things I availed myself of the Right to amend, & moved the Amendments copy of which I send herewith³ & called the ayes & nays to fix them on the journal. This greatly alarmed the Majority & vexed them extremely—for the plan is, to push the business on with great dispatch, & with as little opposition as possible: that it may be adopted before it has stood the test of Reflection & due examination. They found it most eligible at last to transmit it merely, without approving or disapproving; provided nothing but the transmission should appear on the Journal. This compromise was settled and they took the opportunity of inserting the word *Unanimously*, which applied only to simple transmission, hoping to have it mistaken for an Unanimous approbation of the thing. It states that Congress having Received the Constitution unanimously transmit it &c. It is certain that no Approbation was given. This constitution has a great many excellent Regulations in it, and if it could be reasonably amended would be a fine System. As it is, I think 'tis past doubt, that if it should be established, either a tyranny will result from it, or it will be prevented by a Civil war. I am clearly of opinion with you that it should be sent back with amendments Reasonable and Assent to it with held until such amendments are admitted. You are well acquainted with Mr. Stone & others of influence in Maryland. I think it will be a great point to get Maryld. & Virginia to join in the plan of Amendments & return it with them. If you are in correspondence with our Chancellor Pendelton, it will be of much use to furnish him with the objections, and if he approves our plan, his opinion will have great weight with our Convention, and I am told that his relation Judge Pendleton of South Carolina has decided weight in the State,⁴ & that he is sensible & independent. How important will it be then to procure his union with our plan, which might probably be the case, if our Chancellor was to write largely & pressingly to him on the subject; that if possible it may be amended there also. It is certainly the most rash and violent proceeding in the world to cram thus suddenly into Men a business of such infinite Moment to the happiness of Millions. One of your letters will go by the Packet, and one by a Merchant Ship. My compliments if you please to Your Lady & to the young Ladies & Gentlemen. I am dear Sir affectionately Yours,

Richard Henry Lee

[P.S.] Suppose when the Assembly recommended a Convention to consider this new Constitution they were to use some words like these—It is earnestly recommended to the good people of Virginia to

send their most wise & honest Men to this Convention that it may undergo the most intense consideration before a plan shall be without amendments adopted that admits of abuses being practised by which the best interests of this Country may be injured and Civil Liberty greatly endanger'd. This might perhaps give a decided Tone to the business. Please to send my Son Ludwell a Copy of the Amendments proposed by me to the new Constitution sent herewith.

RC (DLC: Mason Papers).

¹ Not found.

² See *JCC*, 19:221–22.

³ See the enclosure to Lee to Elbridge Gerry, September 29.

⁴ Lee is referring to Chancellor Edmund Pendleton of Virginia and his nephew Henry Pendleton (1750–88), who was a justice of the South Carolina Court of Common Pleas.

James Madison to Tench Coxe

Dear Sir

N. York Octr. 1. 1787.

I have received & perused with much pleasure the remarks on the proposed Constitution for the U.S. which you have been so good as to favor me with.¹ They cannot fail I think to satisfy the most scrupulous & jealous citizens, that the Act of the Convention, whatever faults it may have in other respects is not chargeable with a dangerous similitude to real monarchy or Aristocracy. Col. Hamilton happens not to be in the City at present. As soon as he returns your commands with respect to him shall be executed. I take it for granted that the Printers here will of themselves republish these pieces from the Philadelphia Papers. I think it not improbable that the subject & execution of them will attract the notice of the printers in most of the States. To ensure their republication however in Virginia, I will forward the copies, as soon as I discover which of my correspondents will be the most willing agents in a communication with our printers. At present I am a perfect stranger to the sentiments of all of them on the merits of the new System, and have reason to believe that a direct application to the printer from any member of the Convention, would be made use of to disparage the Publication.

With great esteem & regard I am, Sir, Yr. Obedt. humble servt.,

Js. Madison Jr

RC (PHi: Coxe Papers). Madison, *Papers* (Rutland), 10:183.

¹ For Coxe's letter of September 27 enclosing copies of his first three letters printed in the Philadelphia *Independent Gazetteer* under the pseudonym "An American Citizen," see *ibid.*, pp. 175–76; and *Doc. Hist. of Ratif.*, 13:247–51, 264–66, 272–73.

Richard Henry Lee to William Shippen, Jr.

My dear Sir,

New York October 2d. 1787

I thank you very sincerely for your last letter, and its enclosures which are now returned. It is indeed a great addition to my happiness to know that my dear Nephew is so pleasingly and improvingly placed—for I have not a doubt but that he will make the best use of his situation which being so well contrived to delight the Mind, must necessarily render its improvement more certain. I am much obliged by your assurance that you will have the Smallpox directions ready for me. I desired my friend Starr to have the Boots ready for me against my return to Phila. on the 6th of next Month in my way home. But upon further consideration, I shall want the Boots here to travel in to Phila. as the Season will be cool. Will you be so kind as tell him this, and that I desire he will have them made immediately with a pair of proper boot straps fitted to them, so that You or he may take the opportunity of some safe and friendly person coming here who may bring them to me before the 3d of November, or as soon after this as possible, that I may not be disappointed. I have considered the new Constitution will [*i.e.*, with] all the attention and candor that the thing and the times render necessary, & I find it impossible for me to doubt, that in its present State, unamended, the adoption of it will put Civil Liberty and the happiness of the people at the mercy of rulers who may possess the great unguarded powers given. And I assure you that confidence in the moderation or benignity of power is not a plant of quick growth in a reflecting bosom. The necessary alterations will by no means interfere with the general nature of the plan, or limit the power of doing good; but they will restrain from oppression the wicked & Tyrannic. If all men were wise & good there would be no necessity for government or law. But the folly & the vice of human nature renders government & laws necessary for the Many, and restraints indispensable to prevent oppression from those who are entrusted with the administration of one & the dispensation of the other. You will see herewith the amendments that appeared to me necessary,¹ they are submitted to you and my Excellent old friend at German Town.² Perhaps they may be submitted to the world at large. My good old friend has made himself better acquainted with Hippocrates than with Plato, and relying upon the goodness of his own heart, witht. reflecting upon the corrupting & encroaching nature of power, he is willing to trust to its fangs more than experience justifies. The malady of human nature in these states now, seems to be as it was in the years 1778 & 1779 with respect to the effect produced by a certain Combination. The Malady that I mean is a temporary Insanity. I wish that the present may subside with as little public injury as it for-

merly did, altho that was not small in all its branches. Give my love where it is due, and be assured that I am unalterably yours,

Richard Henry Lee

RC (PHi: Society Collection).

¹ For which see Lee to Elbridge Gerry, September 29.

² That is, Dr. William Shippen, Sr. (1712–1801), who had served with Lee in Congress in 1779.

Charles Thomson to the States

Sir, Office of Secretary of Congress. October 2d. 1787.

I have the honor to transmit to your Excellency herewith enclosed a state of the representation in Congress for the month of September to be laid before the Legislature pursuant to the Act of 17th August 1785;¹ Also two Copies of the Journal of Congress from the 10th of May to the 25 of September, one for the Legislative and the other for the Executive branch of Government.

With the greatest respect, I have the honor to be, Your Excellency's
Most Obedient & Most hum servt, Cha Thomson

RC (Vi: Continental Congress Papers). Addressed: "His Excellency The Governor of the Commonwealth of Virginia." LB (DNA: PCC, item 18B). Addressed: "Circular."

¹ For this enclosure and the 10 other monthly attendance lists sent to the states during the Congress of 1786–87, see Appendix.

Charles Thomson's Memorandum Book

[October 3–30, 1787]

- Octr. 3d. transmitted to the Office for forn. Affairs
Letters—Sr John Temple—Augt. 16th, 1787—respecting
duties¹
Letter—John M. Pintard—Aug 18th, 1787²—for sea letters
Octr. 8 transmitted to the Office for foreign Affairs
letter—Mr John Adams—Jany. 24th, 1787.³
letter—Mr Gardoqui—Sept. 20th, 1787⁴—inclosing a South
Carolina newspaper—do J. Sullivan
13th transmitted to the Office for foreign Affairs—
letter—Mr Adams. Feby. 24th, 1787 & letter Feby. 21st,
1787 from Mr Harrison to Mr Adams.⁵
letter—Wm. Smith April 1st, 1787⁶—copy from Mr Bar-
clay to Mr Jefferson Feby. 10th, 1787—& account of
advances made by Mr Richard Harrison.⁷

- letter—Mr Adams—May 23d, 1787 with protests of two bills of exchange & letters of Messrs. Willink & van Staphorst.⁸
- letter—Mr Adams—June 16th, 1787—respecting contract for 1 Million Guilders⁹
- 15th. transmitted to the Office for foreign Affairs the Contract made by Mr Adams for 1 Million of Guilders to be filed and three copies of the same, with the ratification endorsed—to be transmitted to Europe.
- 16th. transmitted to the Office for for. Affairs Note & letter of Mr Van Berckel respecting laws of Virginia.¹⁰
- transmitted to Commr. of Marine & Hospital Department—
- Petition & papers of Cooper & Ballard—for settlement—see Journal Oct. 13th, 1787¹¹
- transmitted to the Office f. f. Affairs—Letter Mr Jefferson—June 21st, 1787—agreeable to order Octr. 15th, 1787.¹²
- Octr. 23 Delivered to the Revd. James Manning, a Petition respecting Providence college & all the papers enclosed—see rect.¹³
- 24th. transmitted to the Office for foreign Affairs—
- Letter Octr. 2d, 1787 Phineas Bond
- Commission of George Millar, Consul.¹⁴
26. transmitted to the Office for foreign Affairs 2 Letters—
- Octr. 24th from Mr John M. Pintard for sea letters.¹⁵
- 27 transmitted to the board of treasury a certified copy of a secret resolution, respecting the mode of obtaining prize money in Europe passed Octr. 25th, 1787.¹⁶
- 30 transmitted to the Board of Treasury the Meml and papers enclosed of Arnold H. Dorhman.¹⁷
- transmitted the papers enclosed in Petition of Octr. 6th, 1786 of James Smith—see Octr. 25th, 1787—Journal.¹⁸
- transmitted the papers enclosed in Petition of April 18th, 1787—of Sylvanus Townsend—see Octr. 26th, 1787—Journal.¹⁹
- transmitted to the Office of Secy at War—the Instructions to Commrs. & Super Intendant of Indian southern Department.²⁰

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, August 22, 1787.

¹ This letter to John Jay is in PCC, item 92, fols. 516–19.

² A transcript of this letter to Jay is in PCC, item 120, 3:270.

³ See PCC, item 84, 6:396–400.

⁴ Not in PCC.

⁵ These letters are in PCC, item 84, 6:427–37.

⁶ This letter to Jay is in PCC, item 92, fols. 69–71.

⁷ See Jefferson, *Papers* (Boyd), 11:133–35.

⁸ See PCC, item 84, 6:481–84.

⁹ Adams' letter and an English translation of this contract are in PCC, item 145, fols. 225–30, 271–95.

¹⁰ These documents with translations are in PCC, item 99, fols. 273–84.

¹¹ These documents are not in PCC, but for the board of treasury's report on the petition of William Ballard and Edward Cowper, see *JCC*, 30:344n, 33:674–75.

¹² See *JCC*, 33:685–86; and Jefferson, *Papers* (Boyd), 11:487–93.

¹³ See these *Letters*, 22:650n.2.

¹⁴ See *JCC*, 33:616, 693–94; and PCC, item 78, 4:549–50.

¹⁵ See *JCC*, 33:704–5; and PCC, item 78, 18:647, item 80, 3:353–54.

¹⁶ *JCC*, 33:706.

¹⁷ See *JCC*, 32:119–22, 33:586–88; and PCC, item 78, 8:207–8, 211–23.

¹⁸ See *JCC*, 33:703; and PCC, item 42, 7:263–66.

¹⁹ See *JCC*, 33:214n, 707; and PCC, item 42, 7:485–88.

²⁰ *JCC*, 33:707–11.

Melancton Smith to Andrew Craigie

Dear Craigie,¹

New York Octr. 4th. 1787

I thank you most cordially, for the few Lines you *wrote me* announcing your safe arrival in twenty three days. I hope you had an agreeable passage to London, and that you found our Friend well. I suppose you are by this time plunged, head and ears in speculation, you must only take care that you do not pursue the plan of a famous financier in France, and I recommend to your consideration the scheme called the Mississippi scheme—apropos, now I have mentioned, the Mississippi scheme, could you not contrive one to dispose of Lands in the western Country. I think it an object worth while to sound the people on your side of the water. If they should be inclined to adventure in such a speculation, I think we could do something handsome in the business. The new Constitution is reported, I would have sent you a copy of it, with the objections I have to it,² but I do not think it best to put you to cost of postage. I will do it by the Betsy for London, which sails in about ten days. You will remember, if any plan should offer, in which you would make more money than you want, that I am perfectly willing to take part of the burden off your shoulders.

I am, Yours sincerely,

Melancton Smith³

RC (MWA: Craigie Papers).

¹ Dr. Andrew Craigie (1743–1819), a physician of Boston and Cambridge, Mass., was formerly apothecary general of the Continental Army, 1775–83. After 1784 he turned his attentions increasingly from the wholesale apothecary trade to land speculation, becoming involved with associates of both the Ohio Company and Scioto Company, and in 1787 went to London as agent for William Duer to confer with Daniel Parker concerning the sale of Scioto Company lands. See *DAB*; and Archer B. Hulbert, "Andrew

Craigie and the Scioto Associates," *Proceedings of the American Antiquarian Society*, n.s. 23 (Oct. 1913): 222–36.

² For speculation that Smith was the author of the 16 antifederalist "Brutus" essays that began appearing in the *New York Journal* October 18, 1787, all but one of which were published after his term in Congress ended this month, see William Jeffrey, Jr., "The Letters of 'Brutus'—A Neglected Element in the Ratification Campaign of 1787–88," *University of Cincinnati Law Review* 40 (1971): 644–46. For more recent surveys of the efforts made to identify "Brutus," who has also been variously identified as Thomas Treadwell, Abraham Yates, and Robert Yates, see *Doc. Hist. of Ratif.*, 13:411–12; and Storing, *Complete Anti-Federalist*, 2:358.

³ Smith's account as a delegate to the Congress of 1786–87 contains the following claim: "To my Services for attending as a Member of Congress, from the 6th Novr. 1786 to the 5th Novr. 1787 . . . 271 [days] @ 24/ £325.4." Smith arrived at these figures after deducting, "for being absent," 5 days in January, 15 days in March, and 34 days "in August & Sept'r.," plus 44 days for Sundays. Miscellaneous Manuscripts, N.

Richard Henry Lee to Samuel Adams

New York October 5th. 1787

Having long toiled with you my dear friend in the Vineyard of liberty, I do with great pleasure submit to your wisdom and patriotism, the objections that prevail in my mind against the new Constitution proposed for federal government—Which objections I did propose to Congress in form of amendments to be discussed, and that such as were approved might be forwarded to the States with the Convention system.¹ You will have been informed by other hands why these amendments were not considered and do not appear on the Journal, and the reasons that influenced a bare *transmission* of the Convention plan, without a syllable of approbation or disapprobation on the part of Congress. I suppose my dear Sir, that the good people of the U. States in their late generous contest, contended for free government in the fullest, clearest, and strongest sense. That they had no idea of being brought under despotic rule under the notion of "Strong government," or in form of *elective despotism*: Chains being still Chains, whether made of gold or iron.

The corrupting nature of power, and its insatiable appetite for increase, hath proved the necessity, and procured the adoption of the strongest and most express declarations of that *Residuum* of natural rights, which is not intended to be given up to Society; and which indeed is not necessary to be given for any good social purpose. In a government therefore, where the power of judging what shall be for the *general welfare*, which goes to every object of human legislation; and where the laws of such Judges shall be the *supreme Law of the Land*: it seems to be of the last consequence to declare in most explicit terms the reservations above alluded to. So much for the propriety of a Bill of Rights as a necessary bottom to this new system—It is in vain

to say that the defects in this new Constitution may be remedied by the Legislature created by it. The remedy, as it may, so it may not be applied—and if it should, a subsequent Assembly may repeal the Acts of its predecessors for the parliamentary doctrine is “*quod legis posteriores priores contrarias abrogant*” 4 Inst. 43.² Surely this is not a ground upon which a wise and good man would choose to rest the dearest rights of human nature. Indeed, some capital defects are not within the compass of legislative redress. The Oligarchic tendency from the combination of President, V. President, & Senate, is a ruin not within the legislative remedy. Nor is the partial right of voting in the Senate, or the defective numbers in the house of representatives. It is of little consequence to say that the numbers in the last mentioned Assembly will increase with the population of these States, because what may happen in twenty five or 27 years hence is poor alleviation of evil, that the intermediate time is big with; for it often happens that abuse under the name of Use is rivetted upon Mankind. Nor can a good reason be assigned, for establishing a bad, instead of a good government, in the first instance, because time may amend the bad. Men do not choose to be sick because it may happen that physic may cure them. Suppose that good men came first to the administration of this government; and that they should see, or thing [think] they see, a necessity for trying criminally a Man without giving him his Jury of the Vicinage; or that the freedom of the Press should be restrained because it disturbed the operations of the new government—the mutilation of the jury trial, and the restraint of the Press would then follow for good purposes as it should seem, and by good men. But these precedents will be followed by bad men to sacrifice honest and innocent men; and to suppress the exertions of the Press for wicked and tyrannic purposes—it being certainly true that “*Omnia mala exempla ex bonis orta sunt: sed ubi imperium ad ignaros minus bonos pervenit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos fertur.*”³ In proof of this, we know that the wise and good Lord Holt, to support King William and revolution principles, produced doctrines in a case of Libel (King against Bear) subversive both of law and sound sense; which his Successor Lord Mannsfield (in the case of Woodfall) would have availed himself of for the restraint of the Press and the ruin of liberty.⁴ It would appear therefore, that the consideration of human perversity renders it necessary for human safety, that in the first place, power not requisite should not be given, and in the next place that necessary powers should be carefully guarded. How far this is done in the New Constitution I submit to your wise and attentive consideration. Whether, for the present, it may not be sufficient so to alter the Confederation as to allow Congress full liberty to make Treaties by removing the restraining clauses; by giving the Impost for a limited time, and the power of regulating trade; is a question that deserves to be considered.

But I think the new Constitution (properly amended) as it contains many good regulations, may be admitted—And why may not such indispensable amendments be proposed by the Conventions and referred With the new plan to Congress, that a new general Convention may so weave them into the proffer'd system as that a Web may be produced fit for free men to weave? If such amendments were proposed by a capital state or two, & a willingness expressed to agree with the plan so amended; I cannot see why it may not be effected. It is a mere begging the question to suppose, as some do, that only this Moment and this Measure will do. But why so, there being no war external or internal to prevent due deliberation on this most momentous business. The public papers will inform you what violence has been practised by the Agitators of this new System in Philadelphia to drive on its immediate adoption⁵ As if the subject of Government were a business or passion, instead of cool, sober, and intense consideration. I shall not leave this place before the 4th of November—in the mean time, I shall be happy to hear from you.⁶ My best compliments are presented to Mrs. Adams, and I pray to be remembered to Gen. Warren, Mr. Lovell & the good Doctor Holten when you see him. I am, with sentiments of the truest esteem & regard, dear Sir your affectionate friend,

Richard Henry Lee

RC (NN: Adams Papers).

¹ For Lee's "amendments," see Lee to Elbridge Gerry, September 29.

² Lee's quote is from the fourth of Sir Edward Coke's *Institutes*: "because subsequent laws nullify earlier laws which are contrary." See *Doc. Hist. of Ratif.*, 8:39n.3.

³ That is, "all bad examples are derived from good ones; but when power comes to the ignorant or the less good, the new example is transferred from the worthy and fit to the unworthy and unfit." See *ibid.*, p. 39n.4.

⁴ For an explanation of this passage, see *ibid.*, 13:325n.3.

⁵ For the "violence" in Philadelphia, see *ibid.*, pp. 293–306; and Robert L. Brunhouse, *The Counter-Revolution in Pennsylvania, 1776–1790* (Harrisburg: Pennsylvania Historical Commission, 1942), pp. 200–202.

⁶ For Adams' December 3 reply to this letter, see *Doc. Hist. of Ratif.*, 14:333–34.

Rufus King to Winthrop Sargent

Dr. Sir

New York 6 Oct. 1787

On Friday congress fixed the salary of the Governor of the western Country at 2000 Dollars, including an allowance for the Duties of superintendant of Indian Affairs, which will devolve on him after next August, when Mr. Butler's commission expires—the salary of the Secretary at 750 Dollars, that of the Judges at 800 Dollars each.¹ Genl. St. Clair is appointed Governor, & I hope you will be in some measure gratified in the Appointment of Secretary.² The appointment of the

Judges is postponed, and I doubt whether it will take place before the present Congress separate;³ Parson Cutler, Genl. Putnam, Genl. Parsons, Judge Symmes, Genl. Armstrong (Delegate from Pennsylvania) & others have been mentioned for Judges.

With sincere Esteem & Respect I am Dr Sir, your Obt. & very Hble
servt,
Rufus King

RC (MHi: Sargent Papers).

¹ Congress actually set these salaries on Wednesday, October 3, not "Friday." See *JCC*, 33:601.

² See *JCC*, 33:610.

³ Congress made these appointments on October 16, naming John Armstrong, Jr., Samuel Holden Parsons, and James M. Varnum. *JCC*, 33:686.

James Madison to Edmund Randolph

My dear friend

New York Octr. 7th. 1787.

I was yesterday favored with yours of the 30th Ult.¹ and heard with particular pleasure the favorable influence of your journey on Mrs. Randolph's health.

I wrote to you shortly after my arrival here, and rehearsed the proceedings of Congress on the subject of the new federal Constitution.² I have since forwarded by Mr. Hopkins a large foreign letter for you with some others for the friends of Mr. Jefferson which you will be kind enough to dispose of. I have also delivered to Mr. Constable of this City to be forwarded by water to your care, several volumes in sheets addressed to the University of W. & Mary. They came in a box of books which I received by the last packet, but without a single memorandum on the subject from any quarter. They were addressed to the two Universities of Virga. & Penna. & duplicate sheets being contained in each packet.³ I know not how the duty in Virga. will be settled. The difficulty was avoided here, by the precaution of entering them for re-exportation. As they are a free gift, are of little value, and are destined for a public institution, I should suppose that no facility consistent with law will be withheld.

Congs. are at present deliberating on the requisition. The Treasury Board have reported one in Specie alone, alledging the mischiefs produced by "Indents." It is proposed by a Committee that indents be recd. from the States, but that the conditions tying down the States to a particular mode of procuring them, be abolished, and that the indents for one year be receivable in the quotas of any year.⁴

Sinclair is appointed Govr. of the Western Territory, & a Majr. Sergeant of Masts. the Secretary of that Establishment.⁵ A Treaty with the Indians is on the anvil as a supplemental provision for the W.

Country.⁶ It is not certain however that any thing will be done, as it involves money, and we shall have on the floors nine States one day more only.

We hear nothing decisive as yet concerning the general reception given to the Act of the Convention. The Advocates for it come forward more promptly than the Adversaries. The Sea Coast seems every where fond of it. The party in Boston which was thought most likely to make opposition, are warm in espousing it. It is said that Mr. S. Adams, objects to one point only, viz. the prohibition of a Religious test. Mr. Bowdoin's objections are said to lie agst. the great number of members composing the Legislature, and the intricate election of the President. You will no doubt have heard of the fermentation in the Assembly of Penna.⁷

Mr. Adams is permitted to return home after Feby. next, with thanks for the zeal, & fidelity of his services.⁸ As the Commission of Smith expires at that time and no provision is made for Continuing him, or appointing a Successor, the representation of the U.S. at the Court of London will cease at that period.

With every wish for your happiness, and with the sincerest affection I remain Mr dear Sir, Your Friend,
Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:185–86.

¹ For which see *ibid.*, pp. 181–82.

² Not found.

³ Madison obviously had not yet received Thomas Jefferson's letter of August 2 to which he added a postscript indicating that he had sent the box of books to Madison's care. See *ibid.*, p. 126.

⁴ The board of treasury's September 28 report on the requisition for 1787, in which it described the failure of the indent system and recommended a requisition in specie only, was read in Congress the 29th and made the order of the day for October 3, although it was not taken up. When John Kean moved on October 5 that the states be permitted to furnish their quota of one year's interest on the domestic debt in indents, his motion and the board's report were referred to a committee chaired by Kean and including Madison, Nathan Dane, Melancton Smith, and William Grayson, which reported October 8. The committee argued that the ban on making at least part of the quota payment in indents would create financial hardship for some states and therefore recommended that they be allowed to service the public debt "in such manner as they judge most expedient." Congress adopted the report on October 11 when it resolved that the states would be given credit for interest payments whether they remitted specie or indents and that indents issued in a given calendar year were acceptable in payment for a state's quota for any year. By also allowing the states to obtain indents by direct purchase rather than by laying taxes, Congress in effect turned debt management over to the states. See *JCC*, 33:569–85, 616n.1, 632–36, 649–58, 761. For the background of this issue, see Virginia Delegates to Randolph, February 26, note 1.

⁵ See the preceding entry.

⁶ For the impetus behind this treaty—growing fear of a general Indian war—see William Grayson to Beverley Randolph, June 25, note 1. On July 18 Congress had received two letters from Mohawk chief Joseph Brant and the united Indian confederacy requesting that a treaty be held, for which see William Blount to Richard Caswell, July 19, note 6. The letters were referred to Secretary at War Henry Knox, whose report was

read on July 21 and assigned to committee on July 31. The committee delivered an extensive report on August 9 which recognized Indian dissatisfaction with past treaties negotiated with individual tribes and recommended that a general treaty be held with the confederated Indians as soon after April 1, 1788, as possible. Congress delayed approval of the report until October 5 when Arthur St. Clair was elected territorial governor and assigned responsibility for conducting the negotiations. Congress further appropriated \$20,000 for that purpose on October 12, but repealed the April 1 deadline. In yet another turn of policy on October 22, Congress directed St. Clair to hold a general treaty "in the ensuing Spring, if in his judgment the public good requires it," but reduced the October 12th appropriation to \$14,000. See *JCC*, 33:445n 1, 477–81, 611–12, 665–66, 696, 759. For St. Clair's conduct of the treaties of Fort Harmar, which were signed on January 9, 1789, and which represented the culmination of Confederation Indian policy, see Reginald Horsman, *Expansion and American Indian Policy, 1783–1812* (East Lansing: Michigan State University Press, 1967), pp. 44–49; and Carter, *Territorial Papers*, 2:174–86.

⁷ For which see *Doc. Hist. of Ratif.*, 13:293–306.

⁸ See Richard Henry Lee to John Adams, September 3, note 4.

Pierce Butler to Weeden Butler

Dear Sir.

New York October the 8th. 1787.

Your esteemd favour, of the 29th of June, reachd my hand, here. It gave me real satisfaction to learn that Mrs. Butler, Yourself & family were well, for indeed no Man wishes You better than I do. You are fortunate in the reestablishment of Mrs Butler's health. I know not what You could do without Her. My Thomas has his share in the good fortune, for he wou'd feel the loss of Her severely. I join in thanks to God for the recovery of both of You; And I pray to Him to continue You long to Your Family.

Your obliging minute information of my Son is very kind, and to me very satisfactory. I shall be thankful to be informed in every letter of the state of his hearing, because, if it does not incline rather to mend, I will have a Consultation with three of the most eminent Surgeons in London, in time, while he is young. I have always had full hopes that he wou'd outgrow the complaint. I find, by Your letter, he is in the Lattin syntax, "which he reads with a tollerable facility" my anxiety puts this construction on the word tollerable—that he barely progresses. I hope I am mistaken: At any rate, I beg Your opinion freely of the Nature of his parts—are they quick or slow? are they strong or weak? Is there, or is there not, a good foundation to build on? By this time You can form a judgement of what they will be; and what Culture can make of them. I think he progresses in writing; to which, I am sensible, You contribute in no small degree.

After four Months close Confinement We closed, on the 17th of last Month, the business Committed to Us.¹ If it meets with the approbation of the States, I shall feel myself fully recompensed for my share of

the trouble, and a Summer's Confinement, which injured my health much. As yet, the System We had the honor of submitting to the States, meets with general approbation. A few designing, Intriguing, Men, of desparate Circumstances, may be opposed to; but the bulk of the People, I am of opinion, like it. The Change, in my judgement, was well timed. A Body so Constituted as Congress, are quite unequal to govern so Extensive a Country, as the thirteen States. All Ranks of Men saw the Necessity of a Change—they wisely had recourse to reason, and not Arms, for the Accomplishment of it. In this Instance America has sett a laudable Example to Civilized Europe. It might be well for the United Provinces, and perhaps, France, to follow it; for I think the latter appears to be verging towards a Change. If Our public Prints speak truth, the former is like to experience the miseries attendant on the very worst of Wars. The hour of their greatness, & perhaps, wealth, in my Judgement, is past; they will, probably, sooner, or later, be swallowed up by the great Empires. If I can hear of any person going to London, I will send You a Copy of the result of Our deliberations; it is not worth the expence of postage, or I woud now enclose it to You. We, in many instances, took the Constitution of Britain, when in its purity, for a model and surely We cou'd not have a better. We tried to avoid, what appeared to Us, the weak parts of Antient, as well as modern Republicks. How will We have succeeded, is left for You, and other Letterd Men to determine. It is some what singular, yet so the fact is, that I have never met with any Dutch Man, who understood the Constitution of his own Country. It is, certainly a very complex, unwieldly piece of business. I have read different Histories of it, with attention, and to this hour, I have but a very inadequate idea of it. Pray give me Your opinion, freely of the One I had some small hand in frameing; after You have read it. In passing judgement on it, You must call to mind, that We had Clashing Interests to reconcile—some strong prejudices to encounter, for the same spirit that brought settlers to a certain Quarter of this Country, is still alive in it. View the System there, as resulting from a spirit of Accommodation to different Interests, and not the most perfect One that the Deputies cou'd devise for a Country better adapted to the reception of it, than America is at this day, or perhaps ever will be. It is a great Extent of Territory to be under One free Government; the measures and modes of thinking, of the Inhabitants, differing nearly as much, as indifferent Nations of Enrope. If We can secure tranquility at Home, and respect from abroad, they will be great points gain'd.

We have, as You will see, taken a portion of power from the Individual States, to form a General Government for the whole, to preserve the Union. The General Government, to Consist of two Branches of Legislature and an Executive, to be Vested in One person, for four Years, but Elligible again. The first Branch of the Legislature, to be

Elected by the People, of the different States, agreeable to a ratio of Numbers & wealth; to serve for two Years. The Second to Consist of two Members from each state, to be appointed by the Legislatures of the States, to serve for six Years, One third to go out every two Years, but to be Eligible again, if their state thinks proper to appoint them. A Judiciary to be Supreme in all matters relating to the General Government, and Appellate in State Controversies. The powers of the General Government are so defined, as not to destroy the Sovereignty of the Individual States. These are the Outlines, if I was to be more minute, I should tire Your patience.

I beg You will present the best regards of my Family to Mrs Butler—And Believe me to be, Dear sir, Yr Affecte and sincere friend.

P Butler.

[P.S.] I am Concerned at the fate of the Box Mrs Butler sent by Captain Angus. I hope the Hogshead of Madeira, that went by the Ship Castle Douglass, for You, will have better luck. It woud hurt me, to have it fall into other hands than Your own, because it is real fine Old Madeira Wine, of the very first quality. It went to the Care of Messrs. Sempson & Davission.

RC (British Museum: Additional Manuscripts, 16,603). Endorsed: "Ansd. 24 Decr. 1787. Xmas Eve."

¹ That is, at the Philadelphia Convention.

Lambert Cadwalader to George Mitchell

Sir

N York Octr 8. 1787.

I have now before me yours of the 12 & 27 Sept. I left a Letter with Mr. Hunt with the Advertizements inclosed to go by Tunnel wh I suppose you have recd. I have seen Hill who brought a Load to this Market—he came to me just after his Arrival but as there were several Shallops laden with Shingles in Port and wh were of a much better Quality than ours there was little Prospect of selling. The Price of these Carolina Shingles, is £4 N York Money but as Douglass informs me ours will not sell even at a lower Price they must be yarded. We are intirely cut out of this Trade by the Carolinans owing to the Superiority of their Shingles.

I have the best Law Advice relative to the Will of Gl Dagworthy & I think we shall stand justified before any Court in the World for not throwing away the Property of the Estate. You very well know and so do the Court that it is utterly impracticable & has been since Gl Ds Death to dispose of the Lands to pay the Debts as they would fetch nothing, this is evident from the Nature of the Times, and the many

Sales wh have been made in your County and in such Cases it cannot be expected nor will any Court direct that Lands should be sold for one half of their Value—it is inconsistent with common Justice to expect it, and an Indulgence is always given to Executors in such Cases. We are now however proceeding to make the Experiment, the Lands are now for Sale to any Purchaser & will be exposed publicly next Spring if they do not sell before. I have from the Outset had nothing but the Interest of the Estate in View & will continue to pursue it for wh no Court can blame me. No Doubt the Reasons you have offerd occurred to you before I left Indian River & it is somewhat extraordinary that you did not mention & urge them in the same Manner you have done since. Consult Mr Redford at the next Court & he will satisfy all your Doubts—he is our Counsel in your State & I think you ought to be satisfied with his Opinion. State your Queries to him.

I am obliged to you for the Ladder Poles wh I shall take Care of them when I go to Trenton wh will be in about ten Days.

You have no Doubt seen the proposed new federal Constitution—it is in my Opinion & that of almost all those with whom I have conversed a very excellent one & will make us if adopted happy at Home & respectable abroad & when I reflect that the smaller States are admitted to an equal Representation in the Senate with the larger it appears to me a Circumstance much more favorable than I could have expected and ought to satisfy your State in particular. N England from the Accounts recd. from thence will readily adopt it—even the Insurgents in Massachusetts are for it and all Parties there are pleased with it. N York will be divided but it is thought will come into it. N Jersey I expect will be unanimous. Pennsylvia notwithstanding the late Fracas will adopt it. There may be some Difficulty in Maryld & Virginia but the three Southern States I am assured from very good Authority will come into the Measure.

I cannot help flattering myself with the hope of better Times wh will certainly happen if we are wise enough to take the Boon that is offered us. The immense Sums that may be raised by Duties upon our Imports will ease the Farmer & Landholder & make the Burthen light—particularly when we consider that immense Sums will be sunk of our domestick Debts by the sales of the western Territory. A Company from N England has purchased a Tract on the Ohio payable in public Securities—it is supposed that 3 or 4 Mills of Dollars will be sunk in this Way—anoth[er] is forming for the Purchase of a second Tract—these in Addition to the Lands already surveyed & now selling at Vend[ue] must lessen our domestick Debt considerably. It is said a third Company will come forward ere long.

Added to these Expectations we shall derive prodigious Advantages from the Regulation of our Trade with foreign Powers who have taken the Opportunity of our feeble State to turn everything to their own

Benefit—by playing off one Nation against another we may bring them one after the other to some Consideration for us, wh they have not had for some Years past. They have sacraficed our Interest in every Instance to their own in full Expectation of our Inability to counteract them.

You have heard that there were three Members of the Convention who did not sign the Constitution, Randolph, Mason, & Geary. It is said and believed here that the County of Fairfax in Virginia wh Mason represents in the Legislature of that State will instruct him to vote for the Calling of a Convention in Virginia to take into their Consideration the new Constitution & I make no Doubt as Genl Washington lives in the same County that Mason will either not be chosen a Member of the State Convention or, if he is, that he will be instructed to agree to the Adoption of it.

I saw Douglass this Morning who informed me that he had not sold more than between 20 & 30,000 Sh[in]gles since I wrote you last. For God's sake be more particular in the Culling of the Shingles. You ought to do this in Justice to the Estate; tho' you may lose something at first in your Commission. You will be a Gainer in the End.

I have said all I could to you & Tunnel on this Subject.

Hill says his Load is very indifferent indeed.

Your hble serv,

L Cadwalader

RC (NN: Emmet Collection, no. 9,414).

William Samuel Johnson to Samuel William Johnson

My Dear Son

New York 8th. of Sept[er]. [October] 1787.

I wrote to you soon after my Return here from Philadelphia,¹ since which nothing very material has occur'd. The Assembly of Pensylvania have however, with an opposition of 19 Members who seceded, recommended the new Constitution to a Convention of the People of that State to be assembled in Novr. next. It will be laid before the Assembly of Connecticut this week & the next before that of Massachusetts. What its fate will be we cannot decide. It is highly extoll'd by very many, but we expect strong opposition in many of the States, tho' its friends hitherto appear to be the Majority. Majr. Alden writes you & sends the News Papers since last Conveyance, with the Shoes you wrote for, & I send Meigs's Papers receiv'd from yr. Brother, with a Letter containing, I pres[ume] the Stratford News. Your good Mamma left me on Thursdy. last, & I had the pleasure to hear by the last Post that she had an agreeable Passage, & arrived very well the

next Morning, & that Mr. Verplank & Betsey were expected there from Fish Kill on Saturday. Business was so circumstanced in Congress that I could not accompany Mamma to Stratford, nor could she well stay for me, but I hope to join them before the Week is out, & to be at N Haven next Week before the Genl. Assembly decide upon the result of the Convention. I have not yet given the Trustees a positive Answer, but think I shall undertake the Care of the College here at least for this Winter,² & bring Charles with me to see what he thinks of trying his Fortunes in this state. Sho'd neither he nor I like our situation, I can resign it & return again to Stratford. I intimated to you in my last, that if we sho'd take this step Stratford would be vacant, & at your service. When we have the pleasure to hear from you again, I shall hope to be inform'd of your Ideas upon this subject, & with the tenderest sentiments of parental Affection remain, Yr. Father & Friend,

Wm. Saml. Johnson

RC (NN: Emmet Collection, no. 9448).

¹ See Johnson to Samuel William Johnson, September 25. Johnson had returned to his seat in Congress on September 20. *JCC*, 33:487.

² For the decision of the trustees of Columbia College to offer its presidency to Johnson, and Johnson's long-drawn-out decision to accept the post, which was publicly announced October 16, see George C. Groce, *William Samuel Johnson: A Maker of the Constitution* (New York: Columbia University Press, 1937), pp. 172–74. Johnson's father Samuel had been the first president of the college in its former guise as King's College.

Nathan Dane to Caleb Strong

Dear Sir

New York Octr. 10th. 1787.

Yours of the 7th Ultó. came safe to me. I think the New Constitution Stands a fair chance to be accepted in all the States—tho many sensible men have several objections to it—they thinking however that it is the best thing which can, probably, be obtained at present, are of opinion it should be adopted. Many parts which, on examination, appear to be rather undefined and some parts unguarded may be amended by attention in organizing the system. If the departments of the New Government, especially in the first instance, shall be filled with men of abilities and honest views, I think it may work very well and make the people of these States happy—and was the probability of having such men in the administration greater than it is, our prospects would be more pleasant. You have seen, I suppose the resolution of Congress relative to the New Constitution. It was considered as an entire New System, on its passage from the Convention to the people, and altogether extraneous to the powers of Congress—The warmest friends of it appeared to be extremely impatient to get it thro Congress, even the first day that it was taken up—they wanted

Congress to approve of it, but objected to any examination of it by paragraphs in the usual mode of doing business. Very few members wanted any alterations and after two days debates Congress unanimously agreed the proper measure was to transmit it to the States to be laid before Conventions of the people.¹ Had Congress been of opinion that it was a subject within their Cognisance, and taken time to examine it as so respectable a body ought always to do such important Cases, I think it is highly probable that Congress would have very fully approved of the plan proposed and on the principles which actuated the Convention. The zeal with which the adoption of this Constitution is hurried especially in some Seaport towns, may give it a temporary currency—but this to me is very questionable policy. I think the parties in Pennsylvania by their intemperate conduct on both sides are in a fair way to throw the State into the greatest disorder and confusion. I need not add as I hope to see you in Massa. in a few weeks. Your affecta. friend,

N. Dane

RC (MNF: Strong Papers).

¹ For these debates, which actually focused on a motion offered by Dane, see Melancton Smith's Notes, September 27, note 1.

Nathaniel Gorham to Thomas FitzSimons

My Dear Sir

New York October 11 1787

Your Letter to me on the subject of the proposed Voyage I inclosed to Mr. Russell—& have his answer in which he informs me that our Vessel not being exactly suitable he proposes exchanging her—for which purpose he has sent the Captain to some of the out ports to effect this purpose—as I have no doubt it will be done—I have to request you to furnish me with the necessary Letters, and if possible to send to me at this—place by Tuesday next—as I shall set of[f] for Boston on Wednesday next—& by the time I get there they will be wanted.¹

I am with esteem and respect, Your most Humble Servt,

Nath Gorham

RC (MH-H: bMS Am 1649.9).

¹ Gorham apparently last attended Congress on Friday October 12. See *JCC*, 33:663–64, 678. However, in the following account for his attendance in 1787 at both Congress and the Constitutional Convention, he claimed compensation for the following periods, which included travel time to and from Congress, through November 25. "As a Member of Congress from the 7th of April 1787 to the 4th of May both inclusive being 28 days, @ 26/, . . . as a Member of Convention at Philadelphia from the 5th of May 1787 to the 20th of September following, both inclusive being 139 days, @ 30/. . . [and] as a Member of Congress from the 21st September to the 25th of November fol[lowing] both inclusive being 66 days, @ 26/." Signers of the Constitution Collection, NNPM.

Richard Henry Lee to George Washington

Dear Sir,

New York Octobr. 11. 1787

I was unwilling to interrupt your attention to more important affairs at Phila. by sending there an acknowledgement of the letter that you were pleased to honor me with from that City;¹ especially as this place afforded nothing worthy of your notice. We have the pleasure to see the first Act of Congress for selling federal lands N.W of Ohio becoming productive very fast. A large sum of public securities being already paid in upon the first sales: and a new Contract is ordered to be made with a company in N. Jersey for the lands between the two Miamis that will rid us of at least 2 millions more of the public debt.² There is good reason to suppose that by the next spring we shall have reduced the domestic debt near six millions of dollars. And it seems clear that the lands yet to be disposed of, if well managed, will sink the whole 30 Millions that are due.³ The assiduity with which the Court of London is soliciting that of Spain for the conclusion of a Commercial treaty between those powers, renders it a signal misfortune that we have not been able to get a sufficient number of the States together to produce a conclusion of the Spanish Treaty. The state of Europe, with respect to the continuance of peace, still hangs in doubtful ballance. The finance weakness of France and G. Britain most strongly opposes war, yet the state of things is such as renders it very questionable, whether even that difficulty, great as it is, will secure the continuance of peace. It is under the strongest impressions of your goodness and candor that I venture to make the observations that follow in this letter, assuring you that I feel it among the first distresses that have happen'd to me in my life, that I find myself compelled by irresistible conviction of mind to doubt about the new System for federal government recommended by the late Convention.

It is Sir, in consequence of long reflection upon the nature of Man and of government, that I am led to fear the danger that will ensue to Civil Liberty from the adoption of the new system in its present form. I am fully sensible of the propriety of change in the present plan of confederation, and altho there may be difficulties not inconsiderable, in procuring an adoption of such amendments to the Convention System as will give security to the just rights of human nature, and better secure from injury the discordant interests of the different parts of this Union; yet I hope that these difficulties are not insurmountable. Because we are happily uninterrupted by external war, or by such internal discords as can prevent peaceable and fair discussion, in another Convention, of those objections that are fundamentally strong against the new Constitution which abounds with useful regulations. As there is so great a part of the business well done already, I think that such alterations as must give very general content, could not long

employ another Convention when provided with the sense of the different States upon those alterations.

I am much inclined to believe that the amendments generally thought to be necessary, will be found to be of such a nature, as tho they do not oppose the exercise of a very competent federal power; are yet such as the best Theories on Government, and the best practise upon those theories have found necessary. At the same time that they are such as the opinions of our people have for ages been fixed on. It would be unnecessary for me here to enumerate particulars as I expect the honor of waiting on you at Mount Vernon in my way home early in November.⁴ In the meantime I have only to request that my best respects may be presented to your Lady and that I may be remembered to the rest of the good family of Mount Vernon.

I have the honor to be dear Sir, with the most unfeigned respect, esteem, and affection, Your most obedient and very humble servant,

Richard Henry Lee.

[P.S.] If the next Packets should bring us any important advices from Europe I will communicate them to you immediately.

RC (DLC: Washington Papers).

¹ For Washington's letter of July 19, see Washington, *Writings*, 29:249–50.

² See William Grayson to James Madison, August 31, note 3.

³ This hope was articulated again a week later by an unidentified member of Congress in the following extract which appeared in the December 5 issue of the *Hampshire Gazette* (Northampton, Mass.) under the caption "Extract of a letter from a member of Congress to his friend in Virginia, dated October 18." "We have a good prospect of selling 8 or 9 millions of federal lands, for sinking the domestic debt; and now it seems quite probable that the cession of Virginia alone will extinguish the whole of that debt, great as it is—being thirty millions of dollars."

⁴ While Lee did not enclose a copy of his proposed amendments, he did visit Washington at Mt. Vernon November 11–12. Washington, *Diaries* (Jackson & Twohig), 5:214.

James Madison to Ambrose Madison

Dear brother

N. York Ocr. 11. [17]87.

Your favor of the 24 of Sepr. did not come to hand till the day before yesterday. I am glad to find the State of Crops in your quarter not worse. From the general information I had feared that very little Tobo. would be made, and scarce any corn. I am at a loss what to say as to brother Wms. adventurig. into public life. The prospect of service to His Country does not appear to me to call for much personal sacrifice. Nor can the honor, the profit or the pleasure of the undertaking, be any object. At the same time if his inclination is on that side, and his private affairs will admit, I would not be understood to discountenance the measure. I recommend it to him however not to

make an attempt without a tolerable certainty of success, and by no means to run into the error of courting it by the usual practices. If he wishes to establish himself in the good will of the County, the only durable as well as honorable plan will be to establish a character that merits it.¹

Congrs. have just passed the annual requisition on the States. The interest on the domestic debt is called for in indents which the States are at liberty to procure in any way they please. I presume all of them, excepting such as have or mean to adopt a paper emis[sion] will buy up their quotas, instead of laying taxes payable in paper.²

We have no public news. The Act of the Convention has in general been pretty well recd. as yet in the Middle & Northn. States. Opposition however begins to shew itself. It is not possible to say now on which side the Majority will finally lie. The present appearance is in favor of the new Constitution. The adversaries differ as much in their objections as they do from the thing itself.

Let me know in your next whether my brother Willm. has Sold Forrester, and whether Fancy & Lemon are with foal, & what horse the latter was put to. Remember me affecely to my Sister & all others of the family. Yrs,
Js. Madison Jr.

RC (NN: James Madison Papers). Madison, *Papers* (Rutland), 10:191–92.

¹ Madison's younger brother William (1762–1843) delayed his entry into political life until 1791 when he represented Culpeper County in the House of Delegates. See *ibid.*, 14:137n.1.

² For the 1787 requisition, see Madison to Edmund Randolph, October 7, note 4.

James Madison to George Washington

Dear Sir

New York Octr. 14. 1787.

The letter herewith inclosed was put into my hands yesterday by Mr. de Crœvecuœr who belongs to the Consular establishment of France in this Country. I add to it a pamphlet which Mr. Pinkney has submitted to the public, or rather as he professes, to the perusal of his friends;¹ and a printed sheet containing his ideas on a very delicate subject; too delicate in my opinion to have been properly confided to the press. He conceives that his precautions against any farther circulation of the piece than he himself authorises, are so effectual as to justify the step. I wish he may not be disappointed. In communicating a copy to you I fulfil his wishes only.²

No decisive indications of the public mind in the Northn. & Middle States can yet be collected. The Reports continue to be rather favorable to the Act of the Convention from every quarter; but its adversaries will naturally be latest in shewing themselves. Boston is certainly

friendly. An opposition is known to be in petto in Connecticut; but it is said not to be much dreaded by the other side. Rhode Island will be divided on this subject in the same manner as it has been on the question of paper money. The Newspapers here have contained sundry publications animadverting on the proposed Constitution & it is known that the Government party are hostile to it. There are on the other side so many able & weighty advocates, and the conduct of the Eastern States if favorable, will add so much force to their arguments, that there is at least as much ground for hope as for apprehension. I do not learn that any opposition is likely to be made in N. Jersey. The temper of Pennsylvania will be best known to you from the direct information which you cannot fail to receive through the Newspapers & other channels.

Congress have been of late employed chiefly in settling the requisition, and in making some arrangements for the Western Country. The latter consist of the appointment of a Govr. & Secretary, and the allotment of a sum of money for Indian Treaties if they should be found necessary.³ The Requisition so far as it varies our fiscal system, makes the proportion of indents receivable independently of specie, & those of different years indiscriminately receivable for any year, and does not as heretofore tie down the States to a particular mode of obtaining them.⁴ Mr. Adams has been permitted to return home after Feby. next, & Mr. Jeffersons appointment continued for three years longer.

With the most perfect esteem & most affectionate regard, I remain
Dr. Sir, Your Obedt. friend & servant, Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:194–95.

¹ That is, Charles Pinckney's *Observations on the Plan of Government Submitted to the Federal Convention, In Philadelphia, on the 28th of May, 1787* (New York: F. Childs [1787]), for which see Evans, *Am. Bibliography*, nos. 20,649–50; and Farrand, *Records of the Federal Convention*, 3:106–23. Presumably a speech that Pinckney had intended to deliver when he presented his own plan of government (which has not been found), it was used heavily by Madison many years later in refuting Pinckney's claim for the primacy of his plan in shaping the final version of the Constitution. See *ibid.*, pp. 501–15, 531, 534–36. For synopses of the Pinckney Plan, cf. *ibid.*, pp. 595–609; and *Doc. Hist. of Ratif.*, 1:245–47. On the controversy over the plan, see, for example, J. Franklin Jameson, "Studies in the History of the Federal Convention of 1787," *Annual Report of the American Historical Association for 1902* 1 (Washington, 1903): 83–167; Andrew C. McLaughlin, "Sketch of Pinckney's Plan for a Constitution, 1787," *AHR* 9 (July 1904): 735–47; and S. Sidney Ulmer, "Charles Pinckney: Father of the Constitution?" *South Carolina Law Quarterly* 10 (Winter 1958): 225–47.

² The enclosed "printed sheet" was the four-page broadside of Pinckney's speech in Congress of August 10, 1786, in rebuttal to John Jay's request to cede to Spain the right of the United States to navigate the Mississippi River, for which see these *Letters*, 23:446–58. Washington responded on October 22 that the appearance of the broadside was inappropriate, observing that Pinckney was unwilling "to loose any fame that can be acquired by the publication of his sentiments" even though it violated "sound policy." See Madison, *Papers* (Rutland), 10:204. Madison concurred in his letter of October 28, in which he attributed Pinckney's motive for printing the speech to his "appetite for ex-

pected praise: for the subject to which it relates has been dormant a considerable time, and seems likely to remain so."

³ See Madison to Edmund Randolph, October 7, note 6.

⁴ *Ibid.*, note 4.

Richard Henry Lee to Edmund Randolph

Dear Sir.

New-York, Oct. 16th, 1787.

I was duly honoured with your favour of September 17th, from Philadelphia, which should have been acknowledged long before now, if the nature of the business it related to had not required time. The establishment of the new plan of government, in its present form, is a question that involves such immense consequences, to the present times and to posterity, that it calls for the deepest attention of the best and wisest friends of their country and mankind. If it be found right, after mature deliberation, adopt it; if wrong, amend it at all events: for to say that a bad government must be established for fear of anarchy, is really saying that we should kill ourselves for fear of dying! Experience, and the actual state of things, show that there is no difficulty in procuring a general convention, the late one having been collected without any obstruction; nor does external war, or internal discord, prevent the most cool, collected, full, and fair discussion of this all-important subject. If, with infinite ease, a convention was obtained to prepare a system, why may not another convention, with equal ease, be obtained to make proper and necessary amendments? Good government is not the work of short time, or of sudden thought. From Moses to Montesquieu the greatest geniuses have been employed on this difficult subject, and yet experience has shown capital defects in the systems produced for the government of mankind. But since it is neither prudent nor easy to make frequent changes in government, and as bad governments have been generally found the most fixed, so it becomes of the last importance to frame the first establishment upon grounds the most unexceptionable, and such as the best theories with experience justify; not trusting, as our new constitution does, and as many approve of doing, to time and future events to correct errors that both reason and experience, in similar cases, now prove to exist in the new system. It has hitherto been supposed a fundamental truth that, in governments rightly balanced, the different branches of legislature should be unconnected, and that the legislative and executive powers should be separate. In the new constitution, the president and senate have all the executive and two-thirds of the legislative; and in some weighty instances (as making all kinds of treaties which are to be the laws of the land) they have the whole legislative and executive powers. They jointly appoint all officers, civil and military, and they

(the senate) try all impeachments, either of their own members or of the officers appointed by themselves. Is there not a most formidable combination of power thus created in a few? and can the most critical eye, if a candid one, discover responsibility in this potent corps? or will any sensible man say that great power, without responsibility, can be given to rulers with safety to liberty? It is most clear that the parade of impeachment is nothing to them, or any of them, as little restraint is to be found, I presume, from the fear of offending constituents.

The president is of four years duration, and Virginia (for example) has one vote, out of thirteen, in the choice of him. The senate is a body of six years duration, and as, in the choice of president, the largest state has but a thirteenth part, so is it in the choice of senators; and this thirteenth vote, not of the people, but of electors, two removes from the people. This latter statement is adduced to show that responsibility is as little to be apprehended from amenability to constituents, as from the terror of impeachment. You are, therefore, sir, well warranted in saying that either a monarchy or aristocracy will be generated; perhaps the most grievous system of government may arise! It cannot be denied, with truth, that this new constitution is, in its first principles, most highly and dangerously oligarchic; and it is a point agreed that a government of the few is, of all governments, the worst. The only check to be found in favour of the democratic principle, in this system, is the House of Representatives, which, I believe, may justly be called a mere shred or rag of representation, it being obvious, to the least examination, that smallness of number, and great comparative disparity of power, renders that house of little effect to promote good, or restrain bad government. But what is the power given to this ill-constructed body? To judge of what may be for the general welfare, and such judgment, when made that of Congress, is to be the supreme law of the land. This seems to be a power co-extensive with every possible object of human legislation. Yet there is no restraint, in form of bill of rights, to secure (what Dr. Blackstone calls) that residuum of human rights which is not meant to be given up to society, and which, indeed, is not necessary to be given for any good social purpose.¹ The rights of conscience, the freedom of the press, and the trial by jury, are at mercy. It is, indeed, stated that, in criminal cases, the trial shall be by jury; but how? in the state? What then becomes of the jury of the vicinage, or, at least, from the county in the first instance: for the states being from fifty to seven hundred miles in extent, this mode of trial, even in criminal cases, may be greatly impaired; and in civil cases the inference is strong, that it may be altogether omitted, as the constitution positively assumes it in criminal, and is silent about it in civil causes. Nay, it is more strongly discounted in civil cases, by giving the supreme court, in case of appeal, jurisdiction, both as to law and fact. Judge Blackstone, in his learned

commentaries, (article Jury Trial,) says, it is the most transcendent privilege which any subject can enjoy, or wish for, that he cannot be affected either in his property, his liberty, or his person, but by the unanimous consent of twelve of his neighbours and equals.² A constitution, that I may venture to affirm, has, under providence, secured the just liberties of this nation for a long succession of ages; the impartial administration of justice, which secures both our persons and our properties, is the great end of civil society. But if that be entirely trusted to the magistracy, a select body of men, and those generally selected by the prince, or such as enjoy the highest offices of the state, their decisions, in spite of their own natural integrity, will have frequently an involuntary bias towards those of their own rank and dignity. It is not to be expected, from human nature, that the few should be always attentive to the good of the many. The learned judge further says, that "every new tribunal, erected for the decision of facts, is a step towards establishing aristocracy, the most oppressive of all governments."³ The answer to these objections is, that the new legislature may provide remedies! But as they may, so they may not, and if they did, a succeeding assembly may repeal the provisions. The evil is found resting upon constitutional bottom, and the remedy upon the mutable ground of legislation, revocable at every annual meeting. It is the more unfortunate that this great security of human rights, the trial by jury, should be weakened in this system, as power is unnecessarily given, in the second section of the third article, to call people from their own country, in all cases of controversy about property between citizens of different states and foreigners, to be tried in a distant court where the Congress may sit; for although inferior congressional courts may, for the above purpose, be instituted in the different states, yet this is a matter altogether in the pleasure of the new legislature; so that if they please not to institute them, or if they do not regulate the right of appeal, the people will be exposed to endless oppression, and the necessity of submitting to pay unjust demands rather than follow suitors, through great expense, to far distant tribunals, and to be determined upon there, as it may be, without a jury. In this congressional legislature a bare majority can enact commercial laws, so that the representatives of the seven northern states, as they will have a majority, can, by law, create the most oppressive monopolies upon the five southern states, whose circumstances and productions are essentially different from theirs, although not a single man of their voters are the representatives of, or amenable to, the people of the southern states. Can such a set of men be, with the least colour of truth, called representatives of those they make laws for? It is supposed that the policy of the northern states will prevent such abuses! but how feeble, sir, is policy when opposed to interest among trading people, and what is the restraint arising from policy? It is said that we may be

forced, by abuse, to become ship-builders; but how long will it be before a people of agriculture can produce ships sufficient to export such bulky and such extensive commodities as ours; and if we had the ships, from whence are the seamen to come? four thousand of whom, at least, we shall want in Virginia. In questions so liable to abuses, why was not the necessary vote put to two-thirds of the members of the legislature?⁴ [With the constitution came from the convention, so many members of that body to Congress, and of those too, who were among the most fiery zealots for their system, that the votes of three states being of them, two states divided by them, and many others mixed with them, it is easy to see that Congress could have little opinion upon the subject.⁵ Some denied our right to make amendments, whilst others more moderate agreed to the right, but denied the expediency of amending; but it was plain that a majority was ready to send it on in terms of approbation—my judgment and conscience forbid the last, and therefore I moved the amendments that I have the honor to send you inclosed herewith,⁶ and demanded the yeas and nays that they might appear on the journal. This seemed to alarm and to prevent such appearance on the journal, it was agreed to transmit the constitution without a syllable of approbation or disapprobation; so that the term unanimously only applied to the transmission, as you will observe by attending to the terms of the resolve for transmitting.] Upon the whole, sir, my opinion is, that, as this constitution abounds with useful reg[u]lations, at the same time that it is liable to strong and fundamental objections, the plan for us to pursue will be to propose the necessary amendments, and express our willingness to adopt it with the amendments; and to suggest the calling a new convention for the purpose of considering them. To this I see no well-founded objection, but great safety and much good to be the probable result. I am perfectly satisfied that you make such use of this letter as you shall think to be for the public good. And now, after begging your pardon for so great a trespass on your patience, and presenting my best respects to your lady, I will conclude with assuring you that, I am, with the sincerest esteem and regard, dear sir, Your most affectionate and obedient servant,

Richard Henry Lee.⁷

Reprinted from Richard H. Lee, *Memoir of the Life of Richard Henry Lee*, 2 vols. (Philadelphia: H. C. Carey and I. Lea, 1825), 2:78–81.

¹ See William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Philadelphia, R. Bell, 1771–72; reprinted from the 4th ed., Oxford: Clarendon Press, 1770), 1:129.

² *Ibid.*, 3:379.

³ That is, "Every new tribunal, erected for the decision of facts, without the intervention of a jury, (whether [*the tribunal* is] composed of justices of the peace, commissioners of the revenue, judges of a court of conscience, or any other standing magistrates) is a step towards establishing aristocracy, the most oppressive of absolute governments." *Ibid.*, p. 380.

⁴ The following bracketed text is taken from the *Pennsylvania Packet* of December 20, 1787, as reprinted in *Doc. Hist. of Ratif*, 14:369–70. Lee's grandson, who edited his *Memoir* in 1825, omitted this sensitive passage, perhaps because he felt that his grandfather's interpretation of the divisive congressional debates on the Constitution might be misconstrued. Whatever his reason for removing this section, the text of the remainder of the letter, which was undoubtedly taken from an FC that has not survived, is clearly superior to the version printed in the *Packet* because it more nearly reflects Richard Henry Lee's syntax, word choice, and punctuation.

⁵ In fact, only 10 of the 33 delegates who attended Congress during the September 26–27 debate on the Constitution had also been delegates to the Philadelphia Convention. In a procedural vote to postpone a motion made by Lee on the 27th, the majority vote of New Hampshire, Massachusetts, and Georgia in favor of postponement was supplied by Nicholas Gilman and John Langdon, Nathaniel Gorham and Rufus King, and William Few and William Pierce, respectively. William Samuel Johnson and James Madison cast the deciding votes for Connecticut and Virginia against Lee's motion, and William Blount and Pierce Butler made the opposing votes of North and South Carolina unanimous. See *JCC*, 33:540–42.

⁶ See the enclosure in Lee to Elbridge Gerry, September 29. For congressional action on the Constitution, see Melancton Smith's Notes, September 27; Charles Thomson to the States, September 28; and James Madison to George Washington, September 30.

⁷ Lee also wrote a brief letter to his niece, Ann Shippen Livingston, on October 18 regarding his purchase of thread, which would be delivered to her in Philadelphia by Maryland delegate David Ross on his way home. Shippen Family Papers, DLC. Ross last attended on October 18 or 19, and Maryland, which had been unrepresented since Nathaniel Ramsey's departure in mid-May, did not have two delegates in Congress again until Benjamin Contee and John Eager Howard took their seats January 21, 1788. See *JCC*, 32:292, 33:692, 34:1.

James Madison to George Washington

Dear Sir

N. York Octr. 18. 1787.

I have been this day honoured with your favor of the 10th instant,¹ under the same cover with which is a copy of Col. Mason's objections to the Work of the Convention.² As he persists in the temper which produced his dissent it is no small satisfaction to find him reduced to such distress for a proper gloss on it; for no other consideration surely could have led him to dwell on an objection which he acknowledged to have been in some degree removed by the Convention themselves—on the paltry right of the Senate to propose alterations in money bills—on the appointment of the vice President—President of the Senate instead of making the President of the Senate the vice President, which seemed to be the alternative—and on the *possibility*, that the Congress may misconstrue their powers & betray their trust so far as to grant monopolies in trade &c. If I do not forget too some of his other reasons were either not at all or very faintly urged at the time when alone they ought to have been urged; such as the power of the Senate in the case of treaties,³ & of impeachments; and their dura-

tion in office. With respect to the latter point I recollect well that he more than once disclaimed opposition to it. My memory fails me also if he did not acquiesce in if not vote for, the term allowed for the further importation of slaves;⁴ and the prohibition of duties on exports by the States.⁵ What he means by the dangerous tendency of the Judiciary I am at some loss to comprehend. It never was intended, nor can it be supposed that in ordinary cases the inferior tribunals will not have final jurisdiction in order to prevent the evils of which he complains. The great mass of suits in every State lie between Citizen & Citizen, and relate to matters not of federal cognizance. Notwithstanding the stress laid on the necessity of a Council to the President, I strongly suspect, tho I was a friend to the thing, that if such an one as Col. Mason proposed, had been established, and the power of the Senate in appointments to offices transferred to it, that as great a clamour would have been heard from some quarters which in general echo his Objections.⁶ What can he mean by saying that the Common law is not secured by the new Constitution, though it has been adopted by the State Constitutions. The common law is nothing more than the unwritten law, and is left by all the constitutions equally liable to legislative alterations. I am not sure that any notice is particularly taken of it in the Constitutions of the States. If there is, nothing more is provided than a general declaration that it shall continue along with other branches of law to be in force till legally changed. The Constitution of Virga. drawn up by Col Mason himself, is absolutely silent on the subject.⁷ An *ordinance* passed during the same Session, declared the Common law as heretofore & all Statutes of prior date to the 4 of James I to be still the law of the land,⁸ merely to obviate pretexts that the separation from G. Britain threw us into a State of nature, and abolished all civil rights and obligations. Since the Revolution every State has made great inroads & with great propriety in many instances on this *monarchical* code. The "revisal of the laws" by a Committee of wch. Col. Mason was a member, though not an acting one, abounds with such innovations. The abolition of the *right of primogeniture*, which I am sure Col. Mason does not disapprove, falls under this head. What could the Convention have done? If they had in general terms declared the Common law to be in force, they would have broken in upon the legal Code of every State in the most material points: they wd. have done more, they would have brought over from G.B. a thousand heterogeneous & antirepublican doctrines, and even the *ecclesiastical Hierarchy itself*, for that is a part of the Common law. If they had undertaken a discrimination, they must have formed a digest of laws, instead of a Constitution. This objection surely was not brought forward in the Convention, or it wd. have been placed in such a light that a repetition of it out of doors would scarcely have been hazarded. Were it allowed the weight which Col. M. may suppose it deserves, it

would remain to be decided whether it be candid to arraign the Convention for omissions which were never suggested to them—or prudent to vindicate the dissent by reasons which either were not previously thought of, or must have been wilfully concealed. But I am running into a comment as prolix, as it is out of place.

I find by a letter from the Chancellor (Mr. Pendleton) that he views the act of the Convention in its true light, and gives it his unequivocal approbation.⁹ His support will have great effect. The accounts we have here of some other respectable characters vary considerably. Much will depend on Mr. Henry, and I am glad to find by your letter that his favorable decision on the subject may yet be hoped for. The Newspapers here begin to teem with vehement & virulent calumnies of the proposed Govt. As they are chiefly borrowed from the Pennsylvania papers, you see them of course. The reports however from different quarters continue to be rather flattering.

With the highest respect & sincerest attachment I remain Dear Sir
Yr. Obedt. & Affecte. Servant, J. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:196–97.

¹ See *ibid.*, pp. 189–90.

² For George Mason's "objections," which he enclosed in an October 7 letter to Washington, see Mason, *Papers* (Rutland), 3:1001–4; and *Doc. Hist. of Ratif.*, 8:40–46, 13:346–51.

³ See Farrand, *Records of the Federal Convention*, 2:297–98.

⁴ *Ibid.*, pp. 370, 416, 417.

⁵ See *ibid.*, pp. 440–41, 558, 607.

⁶ For Mason's proposal regarding a presidential council, see *ibid.*, pp. 537–38.

⁷ For Mason's role in drafting the Virginia constitution in 1776, see Mason, *Papers* (Rutland), 1:295–310.

⁸ See Henning, *Statutes*, 9:127.

⁹ For an excerpt from Edmund Pendleton's October 8 letter to Madison, see Madison, *Papers* (Rutland), 10:188–89. See also Madison's October 28 reply which contains comments on parts of Pendleton's letter not published in that excerpt.

Charles Thomson to the States

Sir Circular Office of Secy of Congress, Oct 18. 1787

I have the honor to transmit to your Excy herewith enclosed an Act of the United States in Congress Assembled touching the grant of favours to foreign nations¹ and a requisition for the year 1787² which your Excellency will be pleased to lay before your legislature. For further details on this last I beg leave to refer you to the letter which the board of treasury will write to you on this subject. I also send enclosed an Act for keeping up a body of 700 troops.³

With the greatest respect, I have the honor to be, Yr Ex⁴

LB (DNA: PCC, item 18B).

¹ The enclosed resolve declared "that whenever any of these States shall think proper to grant a favor to any foreign Nation, such State ought to extend it to such other foreign Nations, as by treaties with the United States are to be treated as the most favored Nations." It was adopted on October 13 on the recommendation of the secretary for foreign affairs, John Jay, in response to a protest received by the Dutch minister Pieter Johan van Berckel against a Virginia statute held to violate the most favored nation status guaranteed his country by a United States treaty with the Netherlands, for which see *JCC*, 33:678–83. For the background of this case, see Virginia Delegates to Edmund Randolph, March 5, 1787, note 1.

² For the adoption of this requisition on October 11, see *JCC*, 33:649–58.

³ Congress adopted the enclosed resolves on October 3 in response to a September 26 recommendation of the secretary at war, Henry Knox, for which see *JCC*, 33:544–45, 602–4.

⁴ At the foot of his draft of this letter, Thomson wrote: "add to the Govr. of N.Y.—and an Act in favr. of Col Donald Campbell." The reference is to a resolve adopted by Congress on October 11, recommending that New York pay Campbell \$2,000 owed to him by the United States, to be credited to the state's "specie proportion of the requisitions of Congress." See *JCC*, 33:658–59.

James Madison to Edmund Randolph

My dear friend

New York Oct. 21. 1787.

I mentioned in a late letter¹ that I had addressed to your care a small box of books for the University. I now inclose the Bill of lading. Inclosed also is a bill of lading for another Box destined for Mr. W. Hay. Will you be so good as to have it handed to him? I paid two dollars for its freight from France to this port, which he may repay to you. The money you remitted by me to Col. Carrington having somewhat exceeded the amount of his demand, the two dollars may the more properly pass into your hands.

I have recd. no letter from you since your halt at the Bolling-Green. We hear that opinions are various in Virginia on the plan of the Convention. I have recd. within a few days a letter from the Chancellor² by which I find that he gives it his approbation; and another from the President of Willm. & Mary³ which, though it does not absolutely reject the Constitution, criticizes it pretty freely. The Newspapers in the middle & Northern States begin to teem with controversial publications. The attacks seem to be principally levelled agst. the organization of the Government, and the omission of the provisions contended for in favor of the Press, & Juries &c. A new Combatant however with considerable address & plausibility, strikes at the foundation.⁴ He represents the situation of the U.S. to be such as to render any Govt. improper & impracticable which forms the States into one nation & is to operate directly on the people. Judging from the Newspapers one wd. suppose that the adversaries were the most numerous & the most in earnest. But there is no other evidence that it is the fact.

On the contrary we learn that the Assembly of N. Hamshire which recd. the constitution on the point of their adjournment, were extremely pleased with it. All the information from Massts. denotes a favorable impression there. The Legislature of Connecticut have unanimously recommended the choice of a Convention in that State. And Mr. Baldwin who is just from the spot tells me that from present appearances the opposition will be inconsiderable; that the Assembly if it depended on them would adopt the System almost unanimously; and that the Clergy and all the literary men are exerting themselves in its favor. Rho. Island is divided; The majority being violently agst. it. The temper of this State cannot yet be fully discerned. A strong party is in favor of it. But they will probably be outnumbered if those whose sentiments are not yet known, should take the opposite side. N. Jersey appears to be zealous. Meetings of the people in different counties are declaring their approbation & instructing their representatives. There will probably be a strong opposition in Penna. The other side however continue to be sanguine. Docr. Carroll⁵ who came hither lately from Maryland tells me, that the public voice there appears at present to be decidedly in favor of the Constitution. Notwithstanding all these circumstances, I am far from considering the public mind as fully known or finally settled on the subject. They amount only to a strong presumption that the general sentiment in the Eastern & middle States is friendly to the proposed System at this time. Present me respectfully to Mrs. R. and accept the most fervent wishes for your happiness from your Affece. friend,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:199–200.

¹ That is, Madison to Randolph, October 7.

² See Madison to Washington, October 18, note 7.

³ For the Rev. James Madison's letter of ca. October 1, see *ibid.*, pp. 183–85.

⁴ Madison is referring to the appearance of the first of sixteen essays by "Brutus" in the *New York Journal* for October 18, for which see Melancton Smith to Andrew Craigie, October 4, note 2; and *Doc. Hist. of Ratif.*, 13:411–21.

⁵ That is, the Rev. John Carroll, brother of Daniel Carroll who had attended the Philadelphia Convention with Madison.

William Grayson to James Monroe

Dear Sir

N York 22nd. Octob. 1787

I have recieved your favor, and delivered the enclosure to Miss Kortright; the Capt. being on a trip to the township. Congress four days since made a contract with Royal Flint & Associates of N. York for three millions of acres on the Wabash on nearly the same terms as that of Cutler & Serjeant.¹ I believe I informed you that Judge Symms of Jersey had contracted for two millions between the Great & the lit-

tle Miami;² The whole of the Contracts will when fully complied with, amount to an extinguishment of six Millions Dolls. of the domestic debt: & Congress *now* looking upon the Western country in its true light, i.e., as a most valuable fund for the total extinctguishment of the domestic debt, have directed the treasury board to continue the sales on nearly the same terms & principles as those already made. A very considerable emigration will take effect from the five Eastermost States. A Brigade files off from Massachuzets immedy., & which is to be followed by much more considerable ones next spring & fall. A Doctr. Gano a Baptist preacher in this town will carry out (it is said) his whole congregation amounting to five hundred.³ Symms is beating up for volunteers in the Jerseys, as is the case with Parsons in Connecticut, & Varnum in Rhode Island; these two last are appointed Judges in the Western country.⁴

Congress have authorized St Clair now Governor of the Western territory to hold a treaty with the Indians next spring if necessary & 14,000 dollars are appropriated for this purpose.⁵ A Treaty is also directed with the Cherokees & Creeks & 6,000 dollars are appropriated for it.⁶

The new constitution is favorably recieved in Connecticut, Massachuzets & N. Jersey; in this State it is thought there is a majority against it & in Pensylvania that the Pro's and Con's are nearly equal: from Rhode Island & New Hamshire I have no information.

The British packett arrived last night: but we have not yet recieved the dispatches from the Secy. for foreign affairs.⁷ The news of the day is that the affairs of Holland are in as bad a train as ever. I shall set out for this in about ten days and it is possible I may have the pleasure of seeing you in Richmond. I recommended you to Mr. Meade in Philada. as a lawyer to do his business, also to Lambert Cadwallader. I expect you have been employed in both cases. I saw the family at the Sycamore last night. They are well, Mrs. Heileger goes to Santa cruz in Decr. next. My best complimts. to Mrs. Munro, & remain yr. Affect. frd. & hbble serv.,

Willm. Grayson.

N.B. We had a Congress to day.

RC (DLC: Monroe Papers).

¹ An October 18 proposal from Royal Flint, Joseph Parker, and associates for a contract to purchase two million acres of land between the Little Wabash and White rivers and one million acres between the Mississippi and Illinois rivers was referred on October 20 to the board of treasury to report. The board recommended that a contract be let on the same terms granted the Ohio and Scioto companies, provided Flint and his associates "Extinguish the Indian Claim to the Tracts" they proposed to purchase. Congress agreed to the report and directed the board to take order. See *JCC*, 33:695n.1, 697-98; *PCC*, item 190, fols. 174-76; and Carter, *Territorial Papers*, 2:77.

² For which see Grayson to James Madison, August 31, note 3.

³ Grayson did not complete this letter until October 27. There is a clear break in handwriting at this point and he refers in the next paragraph to the southern Indian

treaty which Congress did not approve until October 26. He also noted in his last paragraph that Secretary for Foreign Affairs John Jay had not yet delivered to Congress any dispatches from the British packet which arrived "last night," undoubtedly Friday evening, October 26. James Madison also confirmed, in his October 28 letter to Washington, that "the British Packet has arrived but I do not learn that any news comes by her." Following its brief session of October 27, Congress did not achieve a quorum again until January 21, 1788, and did not take up dispatches submitted by Jay until February 1. Finally, there would have been little reason for Grayson to make his closing observation that "We had a Congress to day" had he not been surprised that Congress met on the 27th. See *JCC*, 33:714–15, 34:22–25; *PCC*, item 185, 4:21–23; and notes 6–7 below.

⁴ Samuel Holden Parsons, James Mitchell Varnum, and John Armstrong, Jr., had been elected judges of the northwest territory on October 16. Armstrong resigned in January 1788 and was replaced by John Cleves Symmes on February 19. See *JCC*, 33:686, 34:9, 44, 50.

⁵ See James Madison to Edmund Randolph, October 7, note 6.

⁶ See Charles Thomson to Certain States, October 27, note 1.

⁷ See note 3 above.

Lambert Cadwalader to Edward Lloyd

Dear Sir

N York Octr 23. 1787.

Mr Gough having mentioned your Proposal to meet the Executors of my Brother at Shrewsbury, but not recollecting that the Time was fixed by you, they now propose to meet you there on the first Day of December. As it will be inconvenient to them at any other Time to make a Journey thither they wish it may suit you to attend.

I am happy to inform you that the Sales of Land in the Western Territory beyond the Ohio exceed the Expectations of Congress—a Company from N England have purchased about 5 Millions of Acres in that Country.¹ Another Company is treating for a second Tract containing as it is supposed a Million & half or Two Millions more² & a third Company came forward a few Days since with Proposals for three Millions.³ The Reservations in said Tracts for public Uses amoun[t] to about 1/7th of the whole. The Price is ⅓ds of a Dollar per acre and will be paid in public Securities. The Geographer of the U. States told me a few Days since that if we managed well the whole of the domestick Debt may be easily extinguished.

I sincerely congratulate you on the fair Prospect there is of our soon becoming happy at Home & respectable abroad under the Operation of the new Government which from everything I can learn will very probably take Place in the Course of the ensuing Year. N Hampshire & Massachusetts have as far as private Conversation goes, discovered a Disposition to adopt it. The Legislature of Connecticut have agreed to call a Convention—Seven eighths of the House agreed to the Measure. The Scales tis said hang pretty even in N York State. In Jersey I believe there is scarcely a dissenting Voice. It is believed that

Pennsylvania will adopt it & of Course the Delaware State. You best know how Maryland will act. We have favorable Intelligence from Virginia & it is believed that the three southernmost States will certainly accede.

With Compts to Mrs Lloyd I remain, Dr Sir, Your very hble Servt,
Lambt Cadwalader

P.S. If you should write please to direct to Genl Dickinson & myself at Trenton as I shall leave this City this Day.

RC (MdHi: Lloyd Papers). Addressed: "Honble. Edward Lloyd Esqr, Talbot County, Maryland."

¹ For this purchase of the Ohio and Scioto companies, see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

² For John Cleves Synmes' "Miami Purchase," see William Grayson to James Madison, August 31, note 3.

³ For this purchase by Royal Flint, Joseph Parker, and associates, see the preceding entry, note 1. For Cadwalader's role in this day's debate on the issue of western land contracts, see *JCC*, 33:701-2.

Edward Carrington to Thomas Jefferson

Dear Sir,

New York Octo 23. 1787

I have been honoured with your favor of the 4th of August.¹ Inclosed you will receive a Copy of the report of our late federal Convention, which presents, not amendments to the old Confederation, but an entire new Constitution. This work is short of the ideas I had the honor to communicate to you in June,² in no other instance than an absolute negative upon the State laws.

When the report was before Congress, it was not without its direct opponents, but a great majority were for giving it a warm approbation—it was thought best, however, by its friends, barely to recommend to the several Legislatures, the holding of Conventions for its consideration, rather than send it forth with, even, a single negative to an approbatory act. The people do not scrutinize terms; the unanimity of Congress in recommending a measure to their consideration, naturally implies approbation: but any negative to a direct approbation, would have discovered a dissention, which would have been used to favor divisions in the States. It certainly behoved Congress to give a measure of such importance, and respectable birth, a fair chance in the deliberations of the people, and I think the step taken in that body well adapted to this idea.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town-meetings, and other Assemblies of the people, the usual result whereof, are dec-

larations for its adoption. In the Middle States, appearances are generally for it, but not being in habits of assembling for public objects, as is the case to the Eastward, the people have given but few instances of collective declarations. Some symptoms of opposition have appeared in New York and Pensylvania; in the former, only in individual publications, which are attended with no circumstances evidencing the popular regard; the Governor³ holds himself in perfect silence, wishing, it is suspected, for a miscarriage, but is not confident enough to commit himself in an open opposition: in the latter the opposition has assumed a form somewhat more serious, but under circumstances which leave it doubtful whether it is founded in objections to the project, or the intemperance of its more zealous friends. The Legislature was in session in Philada. when the Convention adjourned⁴—42 Members were for immediately calling a Convention before the measure had received the consideration of Congress, and were about to press a vote for that purpose—19 Seceded and broke up the House, and although they, afterwards, added to their protest against the intemperance of the majority, some objections against the report, yet it is to be doubted whether they would have set themselves in opposition to it, had more moderation been used. The next morning the resolution of Congress arrived, upon which the 42, wanting 2 to compleat a House for business, sent their Sergeant for so many of the Seceders, who were brought by force, whereupon an Act was passed for calling a Convention in November. The Seceders are from the upper Counties, have carried their discontents home with them, and some of them being men of influence, will occasion an inconvenience, but Gentlemen well acquainted with the Country are of opinion, that their opposition will have no extensive effect, as there is, in general, a Coalescence of the two parties which have divided that State ever since the birth of her own Constitution, in support of the new Government. From the Southern States we are but imperfectly informed—every member from the Carolina's and Georgia, as well in Convention, as Congress, are warm for the new Constitution; and when we consider the ascendancy possessed by Men of this description over the people in those States, it may well be concluded, that the reception will be favorable. In Virginia there may be some difficulty—two of her members in Convention, whose characters entitle them to the public confidence, refused to sign the report—these were Colo. Mason and Governor Randolph, nor was that State without its dissentients, of the same description, in Congress—these were Mr. R. H. Lee, & Mr. Grayson, but upon very opposite principles—the former because it is to[o] strong, the latter because it is too weak (*and Colo. H. Lee is by no means an advocate*). The Governor has declared that his refusal to sign, shall not be followed by hostility against the measure⁵—that his wish is

to get the exceptionable parts altered if practicable, but if not, that he will join in its support from the necessity of the Case.

Mr. Madison writes you fully upon the objections from Virginia, and therefore I will not impose on your patience by repeating them; one, however, being merely local, and an old source of jealousy, I will present to your consideration my opinion upon. This is the ability of a bare majority in the federal Government, to regulate Commerce. It is supposed that a Majority of the Union are carriers, and that it will be for the interest, and in the power, of that majority to form regulations oppressing, by high freights, the agricultural States. It does not appear to me that this objection is well founded. In the first place it is not true that the Majority are carriers, for Jersey and Connecticut who fall into the division, are by means such—and New York & Pennsylvania, who also are within that division, are as much agricultural as Carrying States: but, admitting the first position to be true, I do not see that the supposed consequences would follow. No regulation could be made on other, than general and uniform principles. In that case every created evil would effect its own cure. The Southern States possess more materials for shipping than the Eastern, and if they do not follow the carrying business, it is because they are occupied in more lucrative pursuits. A rise of freight would make that an object, and they would readily turn to it; but the Competition amongst the eastern States themselves, would be sufficient to correct every abuse. A Navigation Act ought doubtless to be passed for giving exclusive benefits to American ships. This would of course serve the eastern States, and such, in justice ought to be the case, as it may, perhaps, be shown, that no other advantage can result to them from the Revolution. Indeed, it is important to the interests of the southern States, that the growth of a Navy be promoted, for the security of that wealth which is to be derived from their agriculture.

My determination to join in the adoption results from a Compound consideration of the measure itself, the probable issue of another attempt, and the critical state of our affairs. It has in my mind great faults—but the formers of it met under powers and dispositions, which promised greater accommodation in their deliberations than can be expected to attend any future Convention. The particular interests of States are exposed, and future deputations, would be clogged with instructions and biassed by the presentiments of their constituents. Hence, it is fairly to be concluded, that this is a better scheme than can be looked for from another experiment; on these considerations, I would clearly be for closing with it, and relying upon the correction of its faults, as experience may dictate the necessary alterations. But when I extend my view to that approaching anarchy which nothing but the timely interposition of a new Government can avert, I am doubly urged in my wishes for the adoption.

Some Gentlemen apprehend that this project is the foundation of a Monarchy, or at least an oppressive Aristocracy; but my apprehensions are rather from the inroads of the democracy. It is true there is a preposterous combination of powers in the President and Senate, which may be used improperly, but time is to discover whether the tendency of abuse, will be to strengthen or relax—at all events this part of the consti[tu]tion must be exceptionable. But when we consider the degree of democracy of which the scheme itself partakes, with the addition of that which will be constantly operating upon it, it clearly appears to my mind, that the prevailing infractions are to be expected from thence. As State acts can go into effect without the direct controul of the general Government, having clearly defined the objects of their legislation, will not secure the federal ground against their encroachments. A disposition to encroach must, in the nature of the thing exist, and the democratic branch in the federal legislature, will be more likely to cover their approaches, than resist them.

The Western Territory belonging to the United States has more effectually received the attention of Congress during this session than it ever did before. Inclosed you will receive the ordinance for establishing a Temporary Government there, and providing for its more easy passage into permanent State Governments.⁶ Under the old arrangement the country might upon the whole have become very populous, & yet be inadmissible to the rights of State government, which would have been disgusting to them & ultimately inconvenient for the Empire. The new arrangement depends on the accession of Virginia which there can be no doubt of obtaining. The Offices of the T. Government are filled up as follows. Genl. St. Clair Govr., Winthrop Sargent Secretary, Genl. Parsons, Genl. Armstrong junr. & Genl. Varnum, Judges.

Seven Ranges of Townships are surveyed—they extend nearly to Muskingum and contain about 12 or 15 Millions of Acres. About 130,000 Acres have been sold according to the ordinance. The surveys will probably go no further in strict pursuance of the ordinance, but still the System will be preserved in the conditions of contracts for large Tracts of the Country, to companies of adventurers. The first instance of this mode presents itself in an authority to the Treasury Board in August last, to contract with a large Company of New Englanders,⁷ for all the Country from the seventh Range, to Sioto, within a due west line to be continued from the Northern boundary of the tenth Township—the whole of this Tract is supposed to contain about 5 Millions of Acres. The terms are, that the U.S. shall survey & demark the external boundaries, and ascertain the contents of the Tract—the Company to lay it out at their own expence, into Townships & sections agreeably to the ordinance, subject to the reserves therein described except that one of the sections for future

sale, shall be granted for the purposes of religion, and there are also two compleat Townships granted for an University in or near the Middle of the Tract. All other lands good, bad, & indifferent, to be pd. for at $\frac{1}{2}$ ds. of a dollar per Acre in Securities, excluding the interest—half a Million of dollars to be paid down upon closing the contract, and possession taken so far as such payment will cover. Afterwards payment and occupancy are to go on, *pari passu*, at certain periods, under certain stipulations of reciprocal ensurance. This contract is now actually closed. Another offer is made by judge Symes and his associates from Jersey, for about 2 Millions between the Miamis upon the same terms, and sundry other propositions are forming, whereupon Congress have authorised the Treasury Board, to sell by Contract any quantity not less than a Million, making the terms of the Eastern Company the ground, with deviations from the grant for an University, and that for Religion, unless the Tract be equally large. This mode of sale will relieve the U.S. of much expence, and the progress of the sales promise to be sufficiently rapid to give our people early relief from the pressure of the domestic debt.

I am inclined to believe that some successful experiment might be made for the sale [of] a part of this territory in Europe, and have suggested a trial with a few Ranges of the surveyed Townships. It did not strike Congress as eligible and of course no step was taken in it. I do not suppose it would be worth while to try the project on any but lands actually surveyed and well described.

We have received no accounts from Europe since your August dispatches, of course the state of things there are in considerable obscurity as to us.

Your remarks upon the French loan have occasioned some discussion in Congress, but many reasons operate to prevent an assent to your proposition. By some it is supposed it would be found inconvenient to shift from Creditors that will not complain of our delinquency, to those that will, by others that we have reason to rely upon the indulgence of France in the case of a debt which was contracted for the common benefit of the two nations. My own opinion is that the transfer ought to be made if practicable.

I have the Honor to be, with sincere regard, dr. Sir, Your Most Obt. Servt.,

Ed. Carrington

RC (DLC: Jefferson Papers).

¹ For which see Jefferson, *Papers* (Boyd), 11:678–80.

² See Carrington to Jefferson, June 9.

³ That is, George Clinton.

⁴ For the Pennsylvania ratification struggle, see *Doc. Hist. of Ratif.*, 2:54–120.

⁵ For the eventual publication in December of Gov. Edmund Randolph's reasons for not signing the Constitution, see *Doc. Hist. of Ratif.*, 8:260–74.

⁶ See JCC, 32:334–43, 33:757.

⁷ Carrington was referring to the combined purchase of the Ohio and Scioto companies, for which see Richard Henry Lee to Francis Lightfoot Lee, July 14, note 3.

Edward Carrington to William Short

Dear Sir,

New York Octo. 23. 1787

Mr. Jarvis a Gentleman of New England will do me the favor to deliver you this letter. Permit me to introduce him to your acquaintance & civilities.

By the Chevalier Jones, I have this day done myself the Honor, to acknowledge the receipt of your favor of the 1st of Augt. and have been full in my returns for the repeated instances of your friendly and valuable communications. The Chavalier was to have gone in the Packet, but for reasons, resulting in his mind, from the critical state of European Affairs, he has thought it best to seek a passage in another Vessel.¹ He will be with you soon—in the mean time I have inclosed to Mr. Jefferson a Copy of the report of the Convention which you will see, and for more full intelligence upon that and other subjects, I beg leave to refer you to Mr. Jarvis.

I have the honor to be, with great Sincerity, your Friend & Humble Servt.,
Ed. Carrington²

RC (DLC: William Short Papers).

¹ For John Paul Jones' delayed departure, see Carrington to James Madison, July 25, note 1. See also Charles Thomson to Jones, October 27.

² Carrington also wrote a letter to Thomas Jefferson this day containing nearly the same information conveyed here to Short. See Jefferson, *Papers* (Boyd), 12:252.

Nicholas Gilman to John Langdon

Dear Sir

New York October 23d 1787.

I am honored with your very obliging favor of the 13th instant, which affords me great pleasure & relief; for your little boys had hardly scrambled over the dreary district of horse neck, before I was dun'd, in all Companies, for news from Mr. Langdon, and became quite disgusted with the necessary repetition of a negative answer.

I am happy to hear your journey was so very agreeable, and believe you will not suspect me of insincerity, when I assure you it gives me great pleasure to hear of your domestic happiness. Not being in the full enjoyment of those delectable pleasures myself I always participate in some degree with those I respect & Esteem.

Madison, Irvine, Carrington, Few and Baldwin desire to be remembered. Mrs. Ellsworth and Niece are much pleased with your kind notice and desire their best respects. Gorham & King are in Boston but I assure you Mrs. King and her father will be greatly disappointed if you do not introduce them to Mrs. Langdon in the Course of the fall or winter. If you come on I think there will soon

be a Congress and I have no doubt you will be unanimously elected Presidt. as I am often questioned on the subject and believe they will think of no other member.

Some matters of importance have past Congress since you left us, in which it was disagreeable to be deprived of a Vote¹—such as a requisition on the States—The appointment of a Governor (St. Clair), Judges (Parsons, Armstrong & Varnum), Secretary (Sargent) for the Western Country, selling Lands—Subject of Indian treatys &c &c.

From all accounts there is the greatest probability that the new Constitution will be generally adopted. Accounts from General Washington and other eminent Characters in Virginia are much in favor of it—and all reports agree that the conduct of Mason & Randolph has made them very unpopular in their State. The conduct of the Seceders in Pennsylvania has met the pointed disapprobation of their constituents, though it is agreed the intemperence of the friends to government in that state has been the cause of considerable opposition. Sales of the Western lands are going on very well—there are applications (including what is sold) for about ten Million acres—a very considerable part of the domestic debt will be sunk in this way—yet I really wish the Citizens of New Hampshire would be so far awake to a sense of their interest as to buy in their quota as an appreciation of these securities must in time take place. Pennsylvania & New York are in possession of their Quotas and Massachusetts has purchased a very considerable sum.

I really hope our Legislature will assemble without loss of time—a federal spirit and a speedy adoption of the new plan is generally expected of New Hampshire and certainly no State suffers more through the inefficiency of the present or has more to hope from the adoption of the proposed Constitution.

I must beg of you to write me soon and to let me know your determination about coming on and whether there is a Vessel coming from Portsmouth to this place.

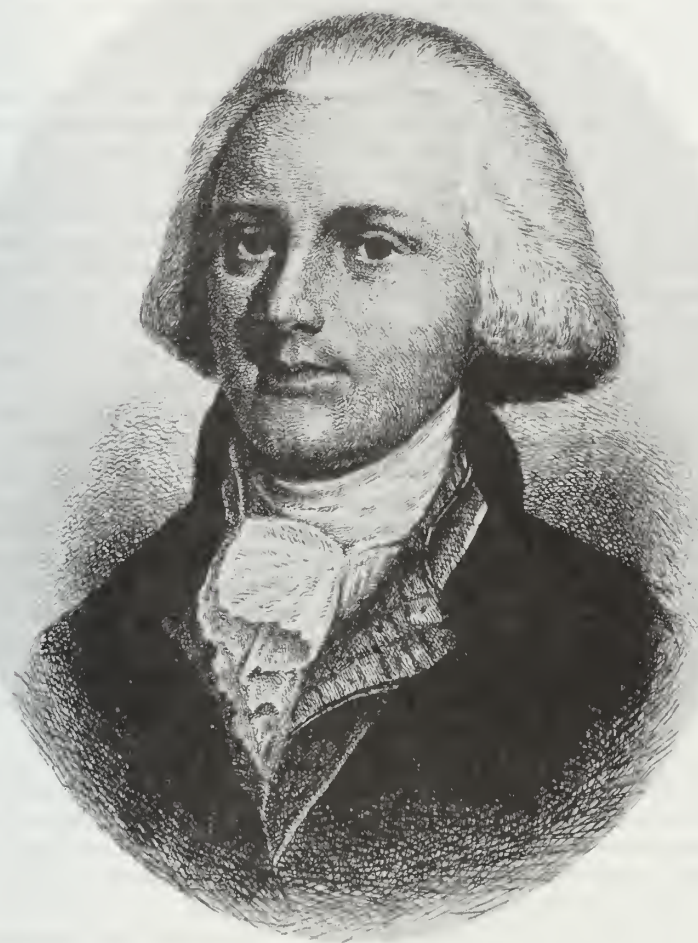
Please to present my most respectful Compliments to Mrs. Langdon. I have a fine warm lower parlour which I shall be very happy to relinquish for her Accommodation previous to your taking the large house in Cherry Street.

With the greatest respect & Esteem, I am, Dear sir, Your Most Obedt. & Humble servant,

N. Gilman

RC (NhHi: Langdon–Elwyn Family Papers).

¹ Except for the four days Langdon attended with Gilman September 25 to 28, 1787, New Hampshire was unrepresented in Congress from September 1, 1786 to February 11, 1788. See the Appendixes to volumes 23 and 24 of these *Letters*, and *JCC*, 34:31–32.



Nicholas Gilman

James Madison to Thomas Jefferson

Dear Sir

New York Octr. 24. 1787.

My two last, though written for the two last Packets, have unluckily been delayed till this conveyance. The first of them was sent from Philada. to Commodore Jones in consequence of information that he was certainly to go by the Packet then about to sail. Being detained here by his business with Congress, and being unwilling to put the letter into the mail without my approbation which could not be obtained in time, he detained the letter also.¹ The second was sent from Philada. to Col. Carrington, with a view that it might go by the last packet at all events in case Commodore Jones should meet with further detention here. By ill luck he was out of Town, and did not return till it was too late to make use of the opportunity. Neither of the letters were indeed of much consequence at the time, and are still less so now. I let them go forward nevertheless as they may mention some circumstances not at present in my recollection, and as they will prevent a chasm in my part of [our] correspondence which I have so many motives to cherish by an exact punctuality.

Your favor of June 20 has been already acknowledged. The last packet from France brought me that of August 2d. I have recd. also by the Mary Capt. Howland the three Boxes for W.H., B.F. and myself.² The two first have been duly forwarded. The contents of the last are a valuable addition to former literary remittances and lay me under additional obligations, which I shall always feel more strongly than I express. The articles included for Congress have been delivered & those for the two Universities and for General Washington have been forwarded, as have been the various letters for your friends in Virginia and elsewhere. The parcel of rice referred to in your letter to the Delegates of S. Carolina has met with some accident. No account whatever can be gathered concerning it. It probably was not shipped from France. Ubbo's book I find was not omitted as you seem to have apprehended.³ The charge for it however is, which I must beg you to supply. The duplicate vol. of the Encyclopedie, I left in Virginia, and it is uncertain when I shall have an opportunity of returning it. Your Spanish duplicates will I fear be hardly vendible. I shall make a trial wherever a chance presents itself. A few days ago I recd. your favor of the 15 of Augst. via L'Orient & Boston.⁴ The letters inclosed along with it were immediately sent on to Virga.

You will herewith receive the result of the Convention, which continued its Session till the 17th of September.⁵ I take the liberty of making some observations on the subject which will help to make up a letter, if they should answer no other purpose.⁶

It appeared to be the sincere and unanimous wish of the Convention to cherish and preserve the Union of the States. No proposition

was made, no suggestion was thrown out, in favor of a partition of the Empire into two or more Confederacies.

It was generally agreed that the objects of the Union could not be secured by any system founded on the principle of a confederation of sovereign States. A *voluntary* observance of the federal law by all the members, could never be hoped for. A *compulsive* one could evidently never be reduced to practice, and if it could, involved equal calamities to the innocent & the guilty, the necessity of a military force both obnoxious & dangerous, and in general, a scene resembling much more a civil war, than the administration of a regular Government.

Hence was embraced the alternative of a Government which instead of operating, on the States, should operate without their intervention on the individuals composing them: and hence the change in the principle and proportion of representation.

This ground-work being laid, the great objects which presented themselves were 1. to unite a proper energy in the Executive and a proper stability in the Legislative departments, with the essential characters of Republican Government. 2. to draw a line of demarkation which would give to the General Government every power requisite for general purposes, and leave to the States every power which might be most beneficially administered by them. 3. to provide for the different interests of different parts of the Union. 4. to adjust the clashing pretensions of the large and small States. Each of these objects was pregnant with difficulties. The whole of them together formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to these considerations the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.

The first of these objects as it respects the Executive, was peculiarly embarrassing. On the question whether it should consist of a single person, or a plurality of co-ordinate members, on the mode of appointment, on the duration in office, on the degree of power, on the re-eligibility, tedious and reiterated discussions took place. The plurality of co-ordinate members had finally but few advocates. Governor Randolph was at the head of them. The modes of appointment proposed were various, as by the people at large—by electors chosen by the people—by the Executives of the States—by the Congress, some preferring a joint ballot of the two Houses—some a separate concurrent ballot allowing to each a negative on the other house—some a nomination of several candidates [*sic*] by one House, out of whom a choice should be made by the other. Several other modifications were started. The expedient at length adopted seemed to give pretty general satisfaction to the members. As to the duration in office, a few would have preferred a tenure during good behaviour—a consider-

able number would have done so, in case an easy & effectual removal by impeachment could be settled. It was much agitated whether a long term, seven years for example, with a subsequent & perpetual ineligibility, or a short term with a capacity to be re-elected, should be fixed. In favor of the first opinion were urged the danger of a gradual degeneracy of re-elections from time to time, into first a life and then a hereditary tenure, and the favorable effect of an incapacity to be reappointed, on the independent exercise of the Executive authority. On the other side it was contended that the prospect of necessary degradation, would discourage the most dignified characters from aspiring to the office, would take away the principal motive to the faithful discharge of its duties—the hope of being rewarded with a reappointment, would stimulate ambition to violent efforts for holding over the constitutional term—and instead of producing an independent administration, and a firmer defence of the constitutional rights of the department, would render the officer more indifferent to the importance of a place which he would soon be obliged to quit for ever, and more ready to yield to the incroachments of the Legislature of which he might again be a member. The questions concerning the degree of power turned chiefly on the appointment to offices, and the controul on the Legislature. An *absolute* appointment to all offices—to some offices—to no offices, formed the scale of opinions on the first point. On the second, some contended for an absolute negative, as the only possible mean of reducing to practice, the theory of a free Government which forbids a mixture of the Legislative & Executive powers. Others would be content with a revisionary power to be overruled by three fourths of both Houses. It was warmly urged that the judiciary department should be associated in the revision. The idea of some was that a separate revision should be given to the two departments—that if either objected two thirds; if both three fourths, should be necessary to overrule.

In forming the Senate, the great anchor of the Government, the questions as they come within the first object turned mostly on the mode of appointment, and the duration of it. The different modes proposed were, 1. by the House of Representatives, 2. by the Executive, 3. by electors chosen by the people for the purpose. 4. by the State Legislatures. On the point of duration, the propositions descended from good-behavior to four years, through the intermediate terms of nine, seven, six, & five years. The election of the other branch was first determined to be triennial, and afterwards reduced to biennial.

The second object, the due partition of power, between the General & local Governments, was perhaps of all, the most nice and difficult. A few contended for an entire abolition of the States; Some for indefinite power of Legislation in the Congress, with a negative on the laws

of the States: some for such a power without a negative: some for a limited power of legislation, with such a negative: the majority finally for a limited power without the negative. The question with regard to the Negative underwent repeated discussions, and was finally rejected by a bare majority. As I formerly intimated to you my opinion in favor of this ingredient, I will take this occasion of explaining myself on the subject. Such a check on the States appears to me necessary 1. to prevent encroachments on the General authority. 2. to prevent instability and injustice in the legislation of the States.

1. Without such a check in the whole over the parts, our system involves the evil of *imperia in imperio*. If a compleat supremacy some where is not necessary in every Society, a controuling power at least is so, by which the general authority may be defended against encroachments of the subordinate authorities, and by which the latter may be restrained from encroachments on each other. If the supremacy of the British Parliament is not necessary as has been contended, for the harmony of that Empire; it is evident I think that without the royal negative or some equivalent controul, the unity of the System would be destroyed. The want of some such provision seems to have been mortal to the antient Confederacies, and to be the disease of the modern. Of the Lycian Confederacy little is known. That of the Amphyc-tions is well known to have been rendered of little use whilst it lasted, and in the end to have been destroyed by the predominance of the local over the federal authority. The same observation may be made, on the authority of Polybius, with regard to the Achæan League. The Helvetic System scarcely amounts to a Confederacy, and is distinguished by too many peculiarities, to be a ground of comparison. The case of the United Netherlands is in point. The authority of a Statholder, the influence of a Standing army, the common interest in the conquered possessions, the pressure of surrounding danger, the guarantee of foreign powers, are not sufficient to secure the authority and interests of the generality, agst. the antifederal tendency of the provincial sovereignties. The German Empire is another example. A Hereditary chief with vast independent resources of wealth and power, a federal Diet, with ample parchment authority, a regular Judiciary establishment, the influence of the neighbourhood of great & formidable Nations, have been found unable either to maintain the subordination of the members, or to prevent their mutual contests & encroachments.⁷ Still more to the purpose is our own experience both during the war and since the peace. Encroachments of the States on the general authority, sacrifices of national to local interests, interferences of the measures of different States, form a great part of the history of our political system. It may be said that the new Constitution is founded on different principles, and will have a different operation. I admit the difference to be material. It presents the aspect

rather of a feudal system of republics, if such a phrase may be used, than of a Confederacy of independent States.⁸ And what has been the progress and event of the feudal Constitutions? In all of them a continual struggle between the head and the inferior members, until a final victory has been gained in some instances by one, in others, by the other of them. In one respect indeed there is a remarkable variance between the two cases. In the feudal system the sovereign, though limited, was independent; and having no particular sympathy of interests with the great Barons, his ambition had as full play as theirs in the mutual projects of usurpation. In the American Constitution The general authority will be derived entirely from the subordinate authorities. The Senate will represent the States in their political capacity; the other House will represent the people of the States in their individual capacity. The former will be accountable to their constituents at moderate, the latter at short periods. The President also derives his appointment from the States, and is periodically accountable to them. This dependence of the General, on the local authorities, seems effectually to guard the latter against any dangerous encroachments of the former: Whilst the latter, within their respective limits, will be continually sensible of the abridgment of their power, and be stimulated by ambition to resume the surrendered portion of it. We find the representatives of Counties and corporations in the Legislatures of the States, much more disposed to sacrifice the aggregate interest, and even authority, to the local views of their Constituents, than the latter to the former. I mean not by these remarks to insinuate that an esprit de corps will not exist in the national Government or that opportunities may not occur, of extending its jurisdiction in some points. I mean only that the danger of encroachments is much greater from the other side, and that the impossibility of dividing powers of legislation, in such a manner, as to be free from different constructions by different interests, or even from ambiguity in the judgment of the impartial, requires some such expedient as I contend for. Many illustrations might be given of this impossibility. How long has it taken to fix, and how imperfectly is yet fixed the legislative power of corporations, though that power is subordinate in the most compleat manner? The line of distinction between the power of regulating trade and that of drawing revenue from it, which was once considered as the barrier of our liberties, was found on fair discussion, to be absolutely undefinable. No distinction seems to be more obvious than that between spiritual and temporal matters. Yet wherever they have been made objects of Legislation, they have clashed and contended with each other, till one or the other has gained the supremacy. Even the boundaries between the Executive, Legislative & Judiciary powers, though in general so strongly marked in themselves, consist in many instances of mere shades of difference. It may be said

that the Judicial authority under our new system will keep the States within their proper limits, and supply the place of a negative on their laws. The answer is, that it is more convenient to prevent the passage of a law, than to declare it void after it is passed; that this will be particularly the case, where the law aggrieves individuals, who may be unable to support an appeal agst. a State to the supreme Judiciary; that a State which would violate the Legislative rights of the Union, would not be very ready to obey a Judicial decree in support of them, and that a recurrence to force, which in the event of disobedience would be necessary, is an evil which the new Constitution meant to exclude as far as possible.

2. A constitutional negative on the laws of the States seems equally necessary to secure individuals agst. encroachments on their rights. The mutability of the laws of the States is found to be a serious evil. The injustice of them has been so frequent and so flagrant as to alarm the most stedfast friends of Republicanism. I am persuaded I do not err in saying that the evils issuing from these sources contributed more to that uneasiness which produced the Convention, and prepared the public mind for a general reform, than those which accrued to our national character and interest from the inadequacy of the Confederation to its immediate objects. A reform therefore which does not make provision for private rights, must be materially defective. The restraints agst. paper emissions, and violations of contracts are not sufficient. Supposing them to be effectual as far as they go, they are short of the mark. Injustice may be effected by such an infinitude of legislative expedients, that where the disposition exists, it can only be controuled by some provision which reaches all cases whatsoever. The partial provision made, supposes the disposition which will evade it. It may be asked how private rights will be more secure under the Guardianship of the General Government than under the State Governments, since they are both founded on the republican principle which refers the ultimate decision to the will of the majority, and are distinguished rather by the extent within which they will operate, than by any material difference in their structure. A full discussion of this question would, if I mistake not, unfold the true principles of Republican Government, and prove in contradiction to the concurrent opinions of theoretical writers, that this form of Government, in order to effect its purposes, must operate not within a small but an extensive sphere. I will state some of the ideas which have occurred to me on this subject. Those who contend for a simple Democracy, or a pure republic, actuated by the sense of the majority, and operating within narrow limits, assume or suppose a case which is altogether fictitious. They found their reasoning on the idea, that the people composing the Society, enjoy not only an equality of political rights; but that they have all precisely the same interests, and the same feelings in every re-

spect. Were this in reality the case, their reasoning would be conclusive. The interest of the majority would be that of the minority also; the decisions could only turn on mere opinion concerning the good of the whole, of which the major voice would be the safest criterion; and within a small sphere, this voice could be most easily collected, and the public affairs most accurately managed. We know however that no Society ever did or can consist of so homogenous a mass of Citizens. In the savage State indeed, an approach is made towards it; but in that State little or no Government is necessary. In all civilized Societies, distinctions are various and unavoidable. A distinction of property results from that very protection which a free Government gives to unequal faculties of acquiring it. There will be rich and poor; creditors and debtors; a landed interest, a monied interest, a mercantile interest, a manufacturing interest. These classes may again be subdivided according to the different productions of different situations & soils, & according to different branches of commerce, and of manufactures. In addition to these natural distinctions, artificial ones will be founded, on accidental differences in political, religious or other opinions, or an attachment to the persons of leading individuals. However erroneous or ridiculous these grounds of dissention and faction, may appear to the enlightened Statesman, or the benevolent philosopher, the bulk of mankind who are neither Statesmen nor Philosophers, will continue to view them in a different light. It remains then to be enquired whether a majority having any common interest, or feeling any common passion, will find sufficient motives to restrain them from oppressing the minority. An individual is never allowed to be a judge or even a witness in his own cause. If two individuals are under the bias of interest or enmity agst. a third, the rights of the latter could never be safely referred to the majority of the three. Will two thousand individuals be less apt to oppress one thousand, or two hundred thousand, one hundred thousand? Three motives only can restrain in such cases. 1. a prudent regard to private or partial good, as essentially involved in the general and permanent good of the whole. This ought no doubt to be sufficient of itself. Experience however shews that it has little effect on individuals, and perhaps still less on a collection of individuals, and least of all on a majority with the public authority in their hands. If the former are ready to forget that honesty is the best policy; the last do more. They often proceed on the converse of the maxim: that whatever is politic is honest. 2. respect for character. This motive is not found sufficient to restrain individuals from injustice, and loses its efficacy in proportion to the number which is to divide the praise or the blame. Besides as it has reference to public opinion, which is that of the majority, the Standard is fixed by those whose conduct is to be measured by it. 3. Religion. The inefficacy of this restraint on individuals is well known. The

conduct of every popular Assembly, acting on oath, the strongest of religious ties, shews that individuals join without remorse in acts agst. which their consciences would revolt, if proposed to them separately in their closets. When Indeed Religion is kindled into enthusiasm, its force like that of other passions is increased by the sympathy of a multitude. But enthusiasm is only a temporary state of Religion, and whilst it lasts will hardly be seen with pleasure at the helm. Even in its coolest state, it has been much oftener a motive to oppression than a restraint from it. If then there must be different interests and parties in Society; and a majority, when united by a common interest or passion can not be restrained from oppressing the minority, what remedy can be found in a republican Government, where the majority must ultimately decide, but that of giving such an extent to its sphere, that no common interest or passion will be likely to unite a majority of the whole number in an unjust pursuit. In a large Society, the people are broken into so many interests and parties, that a common sentiment is less likely to be felt, and the requisite concert less likely to be formed, by a majority of the whole. The same security seems requisite for the civil as for the religious rights of individuals. If the same sect form a majority and have the power, other sects will be sure to be depressed. Divide et impera, the reprobated axiom of tyranny, is under certain qualifications, the only policy, by which a republic can be administered on just principles. It must be observed however that this doctrine can only hold within a sphere of a mean extent. As in too small a sphere oppressive combinations may be too easily formed agst. the weaker party; So in too extensive a one, a defensive concert may be rendered too difficult against the oppression of those entrusted with the administration. The great desideratum in Government is, so to modify the sovereignty as that it may be sufficiently neutral between different parts of the Society to controul one part from invading the rights of another, and at the same time sufficiently controuled itself, from setting up an interest adverse to that of the entire Society. In absolute monarchies, the Prince may be tolerably neutral towards different classes of his subjects, but may sacrifice the happiness of all to his personal ambition or avarice. In small republics, the sovereign will is controuled from such a sacrifice of the entire Society, but is not sufficiently neutral towards the parts composing it. In the extended Republic of the United States, The General Government would hold a pretty even balance between the parties of particular States, and be at the same time sufficiently restrained by its dependence on the community, from betraying its general interests.

Begging pardon for this immoderate digression I return to the third object abovementioned, the adjustment of the different interests of different parts of the Continent. Some contended for an unlimited power over trade including exports as well as imports, and over slaves

as well as other imports; some for such a power, provided the concurrence of two thirds of both House[s] were required; Some for such a qualification of the power, with an exemption of exports and slaves, others for an exemption of exports only. The result is seen in the Constitution. S. Carolina & Georgia were inflexible on the point of the slaves.

The remaining object created more embarrassment, and a greater alarm for the issue of the Convention than all the rest put together. The little States insisted on retaining their equality in both branches, unless a compleat abolition of the State Governments should take place; and made an equality in the Senate a *sine qua non*. The large States on the other hand urged that as the new Government was to be drawn principally from the people immediately and was to operate directly on them, not on the States; and consequently as the States wd. lose that importance which is now proportioned to the importance of their voluntary compliances with the requisitions of Congress, it was necessary that the representation in both Houses should be in proportion to their size. It ended in the compromise which you will see, but very much to the dissatisfaction of several members from the large States.

It will not escape you that three names only from Virginia are subscribed to the Act. Mr. Wythe did not return after the death of his lady. Doctr. McClurg left the Convention some time before the adjournment. The Governour and Col. Mason refused to be parties to it. Mr. Gerry was the only other member who refused. The objections of the Govr. turn principally on the latitude of the general powers, and on the connection established between the President and the Senate. He wished that the plan should be proposed to the States with liberty to them to suggest alterations which should all be referred to another general Convention, to be incorporated into the plan as far as might be judged expedient. He was not inveterate in his opposition, and grounded his refusal to subscribe pretty much on his unwillingness to commit himself, so as not to be at liberty to be governed by further lights on the subject. Col. Mason left Philada. in an exceeding ill humour indeed. A number of little circumstances arising in part from the impatience which prevailed towards the close of the business, conspired to whet his acrimony. He returned to Virginia with a fixed disposition to prevent the adoption of the plan if possible. He considers the want of a Bill of Rights as a fatal objection. His other objections are to the substitution of the Senate in place of an Executive Council & to the powers vested in that body—to the powers of the Judiciary—to the vice President being made President of the Senate—to the smallness of the number of Representatives—to the restriction on the States with regard to *ex post facto* laws—and most of all probably to the power of regulating trade, by a majority only of each House. He has some other lesser objections. Being now under the necessity of

justifying his refusal to sign, he will of course muster every possible one. His conduct has given great umbrage to the County of Fairfax, and particularly to the Town of Alexandria. He is already instructed to promote in the Assembly the calling a Convention, and will probably be either not deputed to the Convention, or be tied up by express instructions. He did not object in general to the powers vested in the National Government, so much as to the modification. In some respects he admitted that some further powers would have improved the system. He acknowledged in particular that a negative on the States laws, and the appointment of the State Executives ought to be ingredients; but supposed that the public mind would not now bear them, and that experience would hereafter produce these amendments.

The final reception which will be given by the people at large to the proposed System can not yet be decided. The Legislature of N. Hampshire was sitting when it reached that State and was well pleased with it. As far as the sense of the people there has been expressed, it is equally favorable. Boston is warm and almost unanimous in embracing it. The impression on the Country is not yet known. No symptoms of disapprobation have appeared. The Legislature of that State is now sitting, through which the sense of the people at large will soon be promulged with tolerable certainty. The paper money faction in Rh. Island is hostile, The other party zealously attached to it. Its passage through Connecticut is likely to be very smooth and easy. There seems to be less agitation in this⁹ State than any where. The discussion of the subject seems confined to the newspapers. The principal characters are known to be friendly. The Governour's party which has hitherto been the popular & most numerous one, is supposed to be on the opposite side; but considerable reserve is practised, of which he sets the example. N. Jersey takes the affirmative side of course. Meetings of the people are declaring their approbation, and instructing their representatives. Penna. will be divided. The City of Philada., the Republican party, the Quakers, and most of the Germans espouse the Constitution. Some of the Constitutional leaders, backed by the western Country will oppose. An unlucky ferment on the subject in their Assembly just before its late adjournment has irritated both sides, particularly the opposition, and by redoubling the exertions of that party may render the event doubtful. The voice of Maryland I understand from pretty good authority, is, as far as it has been declared, strongly in favor of the Constitution. Mr. Chase is an enemy, but the Town of Baltimore which he now represents, is warmly attached to it, and will shackle him as far as they can. Mr. Paca will probably be, as usual, in the politics of Chase. My information from Virginia is as yet extremely imperfect. I have a letter from Genl. Washington which speaks favorably of the impression within a circle of some extent; and another from Chancellor Pendleton which expresses his full acceptance of the

plan, and the popularity of it in his district. I am told also that Innis and Marshall are patrons of it. In the opposite scale are Mr. James Mercer, Mr. R. H. Lee, Doct. Lee and their connections of course, Mr. M. Page according to Report, and most of the Judges & Bar of the general Court. The part which Mr. Henry will take is unknown here. Much will depend on it. I had taken it for granted from a variety of circumstances that he wd. be in the opposition, and still think that will be the case. There are reports however which favor a contrary supposition. From the States South of Virginia nothing has been heard. As the deputation from S. Carolina consisted of some of its weightiest characters, who have returned unanimously zealous in favor of the Constitution, it is probable that State will readily embrace it. It is not less probable, that N. Carolina will follow the example unless that of Virginia should counterbalance it. Upon the whole, although, the public mind will not be fully known, nor finally settled for a considerable time, appearances at present augur a more prompt, and general adoption of the plan than could have been well expected.

When the plan came before Congs. for their sanction, a very serious effort was made by R. H. Lee & Mr. Dane from Masts. to embarrass it. It was first contended that Congress could not properly give any positive countenance to a measure which had for its object the subversion of the Constitution under which they acted. This ground of attack failing, the former gentleman urged the expediency of sending out the plan with amendments, & proposed a number of them corresponding with the objections of Col. Mason. This experiment had still less effect. In order however to obtain unanimity it was necessary to couch the resolution in very moderate terms.

Mr. Adams has recd. permission to return, with thanks for his Services. No provision is made for supplying his place, or keeping up any representation there.¹⁰ Your reappointment for three years will be notified from the Office of F. Affrs.¹¹ It was {made without a negative eight states}¹² being {present. Connecticut however put in a blank ticket} the {sense of} that {state having been declared against embassies. Massachusets betrayed some scruple} on {like ground}. Every {personal consideration} was {avowed} & {I beleive with sincerity} to have {militated against these scruples}. It seems to be understood that letters to & from the foreign Ministers of the U.S. are not free of postage: but that the charge is to be allowed in their accounts.

The exchange of our French for Dutch Creditors has not been countenanced either by Congress or the Treasury Board. The paragraph in your last letter to Mr. Jay, on the subject of applying a loan in Holland to the discharge of the pay due to the foreign officers has been referred to the Board since my arrival here. No report has yet been made. But I have little idea that the proposition will be adopted.¹³ Such is the state & prospect of our fiscal department that

any new loan however small, that should now be made, would probably subject us to the reproach of premeditated deception. The balance of Mr. Adams' last loan will be wanted for the interest due in Holland, and with all the income here, will, it is feared, not save our credit in Europe from further wounds. It may well be doubted whether the present Govt. can be kept alive thro' the ensuing year, or untill the new one may take its place.

Upwards of 100,000 Acres of the surveyed lands of the U.S. have been disposed of in open market. Five million of unsurveyed have been sold by private contract to a N. England Company, at $\frac{2}{3}$ of a dollar per acre, payment to be made in the principal of the public securities. A negociation is nearly closed with a N. Jersey Company for two million more on like terms, and another commenced with a Company of this City for four million. Col. Carrington writes more fully on this subject.¹⁴

You will receive herewith the desired information from Alderman Broome in the case of Mr. Burke.¹⁵ Also the Virga. Bill on crimes & punishments. Sundry alterations having been made in conformity to the sense of the House in its latter stages, it is less accurate & methodical than it ought to have been.¹⁶ To these papers I add a Speech of Mr. C. P. on the Mississippi business. It is printed under precautions of secrecy, but surely could not have been properly exposed to so much risk of publication.¹⁷ You will find also among the Pamp[h]lets & papers I send by Commodore Jones, another printed speech of the same Gentleman.¹⁸ The Musæum, Magazine,¹⁹ & Philada. Gazettes, will give you a tolerable idea of the objects of present attention.

The summer crops in the Eastern & Middle States have been extremely plentiful. Southward of Virga. They differ in different places. On the whole I do not know that they are bad in that region. In Virginia the drought has been unprecedented, particularly between the falls of the Rivers & the Mountains. The Crops of Corn are in general alarmingly short. In Orange I find there will be scarcely subsistence for the inhabitants. I have not heard from Albemarle. The crops of Tobo. are every where said to be pretty good in point of quantity, & the quality unusually fine. The crops of wheat were also in general excellent in quality & tolerable in quantity.

Novr. 1. Commodore²⁰ Jones having preferred another vessel to the packet, has remained here till this time. The interval has produced little necessary to be added to the above. The Legislature of Massts. has it seems taken up the Act of the Convention, and have appointed or probably will appoint an early day for its State Convention. There are letters also from Georgia which denote a favorable disposition. I am informed from Richmond that the New Election-law from the Revised Code produced a pretty full House of Delegates, as well as a Senate, on the first day. It had previously had equal effect in producing full

meetings of the freeholders for the County elections. A very decided majority of the Assembly is said to be zealous in favor of the New Constitution. The same is said of the Country at large. It appears however that individuals of great weight both within & without the Legislature are opposed to it. A letter I just have from Mr. A. Stuart, names Mr. Henry, Genl. Nelson, W. Nelson, the family of Cabels, St. George Tucker, John Taylor and the Judges of the Genl. Court except P. Carrington. The other opponents he describes as of too little note to be mentioned, which gives a negative information of the Characters on the other side. All are agreed that the plan must be submitted to a Convention.

We hear from Georgia that that State is threatened with a dangerous war with the Creek Indians.²¹ The alarm is of so serious a nature, that law-martial has been proclaimed, and they are proceeding to fortify even the Town of Savannah. The idea there, is that the Indians derive their motives as well as their means from their Spanish neighbours. Individuals complain also that their fugitive slaves are encouraged by East Florida. The policy of this is explained by supposing that it is considered as a discouragement to the Georgians to form settlements near the Spanish boundaries.

There are but few States on the spot here which will survive the expiration of the federal year; and it is extremely uncertain when a Congress will again be formed. We have not yet heard who are to be in the appointment of Virginia for the next year.²² With the most affectionate attachment I remain Dear Sr. Your Obed friend & servant,

Js. Madison Jr.

RC (DLC: Jefferson Papers). Madison, *Papers* (Rutland), 10:206–19.

¹ See Carrington to Madison, July 25, note 1.

² That is, William Hay and Benjamin Franklin. For Jefferson's letters of June 20 and August 2, see *ibid.*, pp. 63–67, 124–31.

³ That is, Ubbo Emmius's *Græcorum Republicæ*, for which see *ibid.*, 9:23n.4.

⁴ See *ibid.*, 10:150–51.

⁵ See Charles Thomson to the States, September 28, note 1.

⁶ For a discussion of the importance of this letter as an explication of Madison's political philosophy, see *ibid.*, pp. 205–6.

⁷ For Madison's "Notes on Ancient and Modern Confederacies," see *ibid.*, 9:3–24.

⁸ For an earlier analysis of the weaknesses of confederated government, see Madison's "Vices of the Political System of the United States" in *ibid.*, pp. 345–58.

⁹ Madison later inserted an asterisk at this point to which he keyed "N. York" at the bottom of the page.

¹⁰ See Richard Henry Lee to John Adams, September 3, note 4.

¹¹ For Jefferson's October 12 reappointment as minister to France, see *JCC*, 33:365; and Jefferson, *Papers* (Boyd), 12:265–67.

¹² Words printed in braces in this text were written by Madison in cipher.

¹³ Jefferson had first broached the prospect of debt transfer in a letter to John Jay of September 26, 1786, and enclosed the Dutch proposition in one of November 12. An extract of his September 26 letter was read in Congress on February 2, 1787, and referred to the board of treasury, which reported February 19, but no action was taken.

Jefferson returned to the subject in a letter to Jay of August 6, 1787, which was read in Congress September 25 and referred again to the board of treasury, which reported October 2. On the issue of debt transfer, the board merely revived its February 19 recommendation that Jefferson be instructed "not to give any sanction to any negotiation which may be proposed for transferring the debt due from the United States, to any State or company of Individuals who may be disposed to purchase the same," to which Congress agreed. The board, however, was unable to respond until the following year to that section of Jefferson's August 6 letter, relating to a Dutch loan to compensate French officers, recommending August 8, 1788, that a portion of the new loans then open in Holland be allocated "to discharge the Interest due on Certificates issued to Foreign Officers to the 31st December 1788." This report was read August 11 and agreed to on the 20th. See *JCC*, 32:12n, 65, 33:536n.1, 589-93, 34:409, 443; Jefferson, *Papers* (Boyd), 10:405-6, 509-23, 11:698-99; and *Diplomatic Correspondence, 1783-89*, 2:36-37, 81-83.

¹⁴ See Edward Carrington to Jefferson, September 23.

¹⁵ Not identified.

¹⁶ For this bill, see Jefferson, *Papers* (Boyd), 2:492-507, 12:484n; and Madison to Jefferson, February 11? 1787.

¹⁷ For Charles Pinckney's Speech, August 10, 1786, see these *Letters*, 23:446-58.

¹⁸ See Madison to Washington, October 14, note 1.

¹⁹ That is, the *American Museum* and *Columbian Magazine*, both published in Philadelphia.

²⁰ Madison later inserted an asterisk at this point to which he keyed "Paul" in the margin.

²¹ See Nicholas Gilman to John Sullivan, November 7, note 2.

²² For Jefferson's December 20 reply, see Jefferson, *Papers* (Boyd), 12:438-42.

James Madison to William Short

Dear Sir

New York Octr. 24. 1787.

I offer you my sincere acknowledgments for your two favors of May 7th and Augst. 1. The latter has been rendered particularly valuable by the acquaintance it has afforded me with Monsr. Crevecoeur who has already verified the character under which you present him.¹

The paper which I inclose for Mr. Jefferson will shew you the result of the Convention.² The nature of the subject, the diversity of human opinion, and the collision of local interests, and of the pretensions of the large & small States, will not only account for the length of time consumed in the work, but for the irregularities which may be discovered in its structure and form. I shall learn with much solicitude the comments of the philosophical Statesmen of Europe, on this new fabric of American policy. Unless however their future criticisms should evince a more thorough knowledge of our situation as well as of the true genius of Republican Government, than many of their past, my curiosity will not be rewarded with much instruction.

The Constitution has not been yet long enough before the public here to warrant any decided opinion concerning its fate. The general impression seems to be favorable as far as it is known. The presump-

tive evidence of it is pretty strong with regard to the New-England States; Rho. Island excepted where folly and fraud have not yet finished their career. Even there however a considerable party embrace the act of the Convention. It is difficult to say what is the prevailing sentiment in this State. The newspapers abound with anonomous publications on both sides, but there is a reserve in the general conversation which is scar[c]ely seen elsewhere. The men of abilities are generally on the side of the Constitution. The Governour whose party is at least a very strong one is considered notwithstanding his reserve to be a decided adversary to it. N. Jersey will pretty certainly accede. Pena. is divided. The advocates of the Constitution at present are certainly the more numerous party. Delaware will fall in of Course. Maryland gives evidence of being well disposed. Mr. Chase & Mr. Paca will as far as they may be at liberty, disappoint those who best know them, if they do not make opposition. Virga. I fear will be divided and extremely agitated. The Govr. & Col. Mason refused to subscribe the instrument. Their influence alone would produce difficulty. The Govr. was temperate in his opposition and may perhaps be neutral. Col. Mason will exert his influence as far as he can. His County is agst. him, and have given peremptory instructions on the subject.³ On the same side are known to be the Lees, and supposed to be Mr. Henry, Mr. Harrison, and Genl. Nelson. On the other will be the weight of Genl. Washingtons name, and some exertion of his influence, the Chancellor [Mr. Pendleton],⁴ probably Mr. Wythe, Innis, Marshal & Monroe. I am not informed of other leading characters. The general impression as far as it has come to my knowledge, is rather on the favorable side. We know nothing of the States South of Virginia. The conjectures run on the same side.

Commodore Jones who was to have sailed in this packet having changed his plan, I make use of another hand for the conveyance of this which would otherwise have been committed to him. The apprehension of a war which might expose him & his papers in the French packet to inconveniences, has led him to prefer another Vessel. He proposes to sail in a few days, and to make the best of his way to Paris.⁵ My letter to Mr. Jefferson being very full and (having been prepared for a conveyance perfectly safe) not in cypher I have determined to submit to a short delay for the sake of the caution pursued by the Commodore, & to let him still be the bearer of it. Had I known the change in the Commodore's plan a little sooner I would have written to Mr. Jefferson by this conveyance also. But it is now impossible. I shall send him nevertheless a number of printed papers. You will be kind enough to communicate these circumstances to him, with my most affecte. respects, and be assured at the same time of the sincerity with which I am Dr. Sir your friend & servt., Js. Madison Jr.

RC (DLC: William Short Papers). Madison, *Papers* (Rutland), 10:220–23.

¹ Short had actually introduced Michel-Guillaume St. Jean de Crevecoeur in his letter of May 7, not “the latter” of August 1, for which see *ibid.*, 9:411–13, 10:121–23.

² See the preceding entry.

³ For which see *Doc. Hist. of Ratif.*, 8:23–25.

⁴ Brackets inserted by Madison.

⁵ For John Paul Jones’ delayed departure, see Edward Carrington to Madison, July 25, note 1; and Charles Thomson to Jones, October 27.

South Carolina Delegates to Thomas Pinckney

Sir¹

(Copy)

New York Octr. 24th. 1787

We do ourselves the honor of transmitting to your Excellency for the consideration of the Legislature, the copy of a letter from the board of Treasury to Congress relative to the Loan Office in our state, the large deficiency stated, demands a serious investigation, especially as the state is responsible to the Union for the conduct of the persons employed in that office prior to the 1st of January 1786.²

We also inclose the Requisition for the Year 1787 by wch. your Excellency will percieve that no demand is made on the state for specie—the inclosed report of the Board of Treasury will shew their opinion was, that the whole sum should be demanded in specie:³ in a Country differently circumstanced than ours their idea is certainly a very just one—but knowing the difficulty of extracting taxes in any manner from the people & believing the collection of them in specie to be impracticable at this time, we thought the mode recommended by the Board of Treasury not the most eligible & consequently that it was our duty to have it changed, hoping that it may be attended with salutary consequences & that the states may avail themselves of the advantages held out to them.

It has been the policy of our Legislature not to comply with the demands of Congress for the payment of such part of their requisitions as are called for in Indents of Interest, which now amount as by paper marked A.⁴ to 284,011 dollars. This policy we suppose to be founded on the opinion that the state during the War had made greater advances than the other states. Whether this opinion is built on the solid basis of truth, we cannot say, but certain it is that no such thing appears in the Books of the Fœderal treasury—for altho it appears that Congress in the year 1778 were satisfied that the state had made considerable advances & did in consequence forego the demand made on the state by the requisition of November 1777. Yet from these accounts not being settled no entry to the credit of the state on requisitions of any kind, appears prior to the year 1782—but that the Legislature may have some facts to proceed by in making up their judgment

on the matter, we take the liberty to give them such information as can be obtained on the subjects.

Paper marked B. contains the requisitions made on the states in Old Continental Money with the actual paymts.

C. contains the Requisitions made in new emission money & specie prior to Oct. 1781 with the actual payments.

D. contains the specific requisitions.

E. Contains the requisition for sinking the emissions of Continental money.

F. the states accot. with the United States for monies advanced. These statements bring the federal finances into View so far as they respect our state, to the commencement of the year 1782—when a new Era of finance commences, as beyond this no demand is made on the states to make up deficiencies—but from that time they are held to pay up in specie or Indents of Interest according to the respective requisitions made since that period. It follows that our states proportion of the foregoing demands are—

Requisitions marked	B	767,996
ditto	C	2,361
ditto	D	158,939
ditto	E	390,900
ditto	F	<u>934,722</u>

Amounting in specie to 2,254,018 dollrs.

These sums cannot be taken as certain, because the depreciation cannot be absolutely ascertained nor can the proportions of the states be fixed, as the Rule of apportionment is not determined—but it appears to us that the sum will be rather more than less—because the advances of our own state & those of others similarly circumstanced are not included, & ours being an increasing state & population being the basis of the rule of apportionments the longer a settlement is postponed the greater our proportion will be—beside which there is the loan Office deficiency. The present calculations are made on the supposition of the whole number of souls in the United States (excluding two fifths of the blacks) being two millions three hundred thirty nine thousand three hundred & So. Caroa. being 150,000 of that Number.

Beside these sums the requisitions for Indents of Intt. amounting to 284,011 dollars form another charge & any deficiency there may be in paying the specie part of requisitions subsequent to 1782 will also be another.

The result is that the state should have demands agt. the Union for more than 2,538,029 dollars in specie exclusive of those general charges for Militia services & depreciation of pay to the Army which every State has & which are not yet exhibited for liquidation. If the states demands against the Union are equal to the several charges we have mentioned then the policy is a right one, but if on the contrary

they are not a perseverance in such measures will in our opinion be attended with very ill consequences. Upon a supposition that the state has not demands upon the Union equal to the demands which the Union has against her—it will be then incumbent on the Legislature to take such measures as will entitle the state to credit.

Two modes occur, the payment of specie & the purchasing of the paper issued by the United States—the latter we suppose the most eligible. By the purchase of old Continental money & Indents of Interest the state may encrease her demand against the Union 674,011 dollars which we suppose may be done with 200,000 dollars in specie—if this is delayed & a much greater depreciation takes place the states that have already paid will be against admitting the demands of those states who purchase up at such depreciated State. These matters we submit with the greatest deference to the superior Judgment of the Legislature—it is not our wish to induce them to do anything beyond what the Union have an absolute right to demand & in all such cases we feel a certainty of their ready compliance. One other matter we think it our duty to mention—the accompts of the state against the United States in another point of view demand in high degree the attention of the Legislature—under the ordinance of Congress for settling these accts passed the 7th day of May last⁵ there is to be appointed a Board of Commissioners whose powers will extend to the admission of all demands of the states against the Union that are equitable altho not supported or sanctioned by existing resolves of Congress—many States will avail themselves of this equitable jurisdiction to renew claims that have long laid dormant & no doubt our state may have some which came under this description & which in equity ought to be allowed. The War was long in the state the distance of Congress great—the exigence admitted no delay—therefore we conclude many cases exist which are not covered by Resolutions of Congress & which were for the general benefit—among which may be enumerated Militia services in a variety of cases, such as quelling insurrections of Tories—Cherokee expeditions & Treaties—Guarding the sea Coasts & frontiers—assistance to Georgia—Florida expeditions—operating with the army under Genls Lee, Howe, Lincoln, Gates & Greene—Fortifying Charlestown in 1776, 1779 and 1780, Destruction of buildings at the same times, Gallies & Vessels of War destroyed in the defense of Charleston—Ordinance & Military stores destroyed & taken by the Enemy—Raising, mounting, arming, cloathing & equipping Regiments of Cavalry & State troops in 1780 & 1781 and many others which may not have occurred to Us—but which ought to be exhibited to put us on an equal footing with the other states.

With great Respect, We are Your Excellencys Most Ob servants,

(signed) John Kean

D. Huger

Tr (ScCoAH: Governor's Messages).

¹ Pinckney (1750–1828), who had been an aide-de-camp to both Benjamin Lincoln and Horatio Gates during the war, served intermittently from 1776 to 1787 in the South Carolina House of Representatives, which elected him to a two-year term as governor on February 20, 1787. See *Bio. Dir. of S.C. House*, 3:56–64.

² For the board of treasury's report of October 16, 1786, relating to transactions of the late loan officers of South Carolina and Georgia, which had been read in Congress on February 12, 1787, and delivered to the states' delegates on October 11, see *JCC*, 31:891n, 32:37; and PCC, item 139, fols. 379–400, PCC, item 140, 1:287–88.

³ For this September 28 board of treasury report and the requisition adopted by Congress on October 11, see James Madison to Edmund Randolph, October 7, note 4.

⁴ This enclosure, and those below designated B to F, have not been found.

⁵ See *JCC*, 32:262–66.

Edward Carrington to William Short

My Dear Sir,

New York Octo. 25th. 1787.

I have been honoured with your favor of the 1st of August, and thank [you] most sincerely for this additional evidence of your freindly remembrance.

There perhaps never was a period of time at which reforms and revolutions in Government, were so general as now, and it is much for the honor of America, that while the more Antient Nations in Europe, are shaken to their very Centre in the operation, hers is taking thorough effect, by peaceable Convention, without interrupting for a moment the existing administration. The Governors and Governed act in Concert for producing the Change, and the former look forward to no act with more desire, than the surrender of the old, upon the Maturity of the new Government.

You will see in the hands of Mr. Jefferson, to whom I have inclosed it, the Constitution reported by our Convention for the United States.¹ It is far from perfection, but we should be the wisest, as well as the most fortunate, people under the Sun, could we concert a perfect system of government, and afterwards obtain an universal consent to its adoption: in as much as Men differ in point of understanding, there must be proportionate defects in their joint deliberations: but the reconciliation of the various circumstances and interests an extensive and enterprizing Country comprehends, forbids that perfection should be our indispe[n]sible pursuit.

The project is warmly received in the Eastern States, and has become pretty generally a subject of consideration in Town-meetings and other Assemblies of the people, the usual result whereof are declarations for its adoption—in the Middle States appearances are generally for it, but not being in the habits of assembling for public objects, the people have given but few instances of collective declarations. Some symptoms of opposition have appeared in New

York & Pennsylvania—in the latter it was, as probably, occasioned by the intemperance of the most zealous friends of the measure, as, objections against the plan. Of this circumstance I have given Mr. Jefferson a particular detail to which permit me to refer you. In the former some individual publications are exhibited in the papers, but we have no evidence of their being regarded by the populace—the Men in Office in this State view, with great reluctance, the diminution of state emoluments and consequence—they hold their appointments under an influence which will not, in all probability, serve them upon a more extensive scale of politics. The Governor is perfectly silent, but, it is suspected, wishes the miscarriage of the measure, taking his usual guard against being committed in a fruitless opposition. From the Southern States our information is very imperfect, but from the zeal and unanimity of the Members from the Carolina's and Georgia, as well in Convention as Congress, and from the known influence of Men of this description in those States, it is well to [*sic*] understood that the proposed scheme will be favorably received in that quarter. In Virginia we learn from superficial accounts from the Assembly upon their first meeting, that a great Majority of the members declare in its favor—but it has met with the dissent of two of her members in Convention, & was disapproved by the same number of those who represented her in Congress. These dissentients were Colo. Mason & Govr. Randolph in Convention who refused to sign the report. Mr. R. H. Lee & Mr. Grayson in Congress, who were actually agt. an approbatory Act, although they agreed to join in the bare recommendation of conventions for its consideration in the States. From characters of this description being opposed, we are naturally to apprehend some difficulty in that State, but I am led to believe that the generality of the adoption which is probable in the other States, will have much influence in bringing her into the measure. We have not yet been informed what part Mr. Henry will take—much will depend on him.

Mr. Madison has forwarded to Mr. Jefferson seven Pamphlets and peices which have been written for and against the Constitution from which you will have a view of the train of discussion it is undergoing;² and having, by this same opportunity written very fully to Mr. Jefferson, a repetition of the same to you will be needless, and to find new materials is not at present within my scope in the line of politics—my plan in future will be to write you alternately, by the packets.

Richmond does not stand where it did when you left it, having crept up, and over Shockoe Hill—it met with a severe stroke last Winter in the Burning of about 70 Houses in the heart of the Commercial business, including Byrds Warehouse—in this Calamity our old & worthy Friend Foushee lost nearly his all, having crowded most of his property in buildings upon the ill fated spot, the whole of which were consumed. That *poor* man Curry also suffered in the loss of the greatest

subscribe the Articles of Confederation the Legislature did it with a reliance on the justice of the several States thereafter touching the Claim stated in their declaration.

I have only to add that in compliance with the recommendation of Congress, the States of Massachusetts, Connecticut, New York, Virginia & South Carolina have made Cessions of territorial Claims in the Western Country, which are now selling for public securities, and that Congress have such faith in the justice and magnanimity of the States of North Carolina & Georgia that they only think it necessary again to call their attention to the subject not doubting but upon consideration of it and the circumstances attending it they will feel those Obligations which will induce them to make similar Cessions and justify the confidence which has been placed in them.

With the greatest respect, I have the honor to be &c.

LB (DNA: PCC, item 18B). Addressed: "To the Governors of North Carolina & Georgia."

¹ For the October 20 adoption of this "representation," on the recommendation of a committee to which was referred a motion by William Grayson on October 16, see *JCC*, 33:690, 692-93. For discussion of the issue of obtaining western land cessions from North Carolina and Georgia, see Payson J. Treat, *The National Land System, 1785-1820* (1910; reprint ed., New York: Russell & Russell, 1967), pp. 340-61. The case of North Carolina's cession involved the additional problem that the state had previously made such a cession in 1784 but had repealed it the following year when Congress delayed accepting it and settlers in the affected region attempted to set up the independent state of Franklin. *Ibid.*, pp. 341-43; and these *Letters*, 21:799-800, 805n.3, 22:437n.2.

² See these *Letters*, 16:45-46; and *JCC*, 19:138-40.

James Madison to Tench Coxe

Dear Sir

New York Octr. 26. 1787.

I have recd. your favor of the 21st instant, and have disposed of the papers under the same cover according to direction.¹ Col. Hamilton had returned to the City which gave me the opportunity of immediately putting into his hands such of them as were destined for him. I have no doubt that he will make the best use of them. I have recd. no answer yet from my correspondent² to whom I forwarded the three first numbers of the American Citizen. The 4th is a valuable continuation, and I shall be equally desirous of seeing it in the Virginia Gazettes; and indeed in those of every State.³

I have not yet recd. any certain information of the reception given in Virginia to the Act of the Convention. I know only that within certain districts, and by respectable individuals, it is well relished, and that by some other individuals of influence it is likely to be opposed. The Legislature being now assembled, a few days will probably enable

me to form a tolerable estimate of opinions there. With great respect & regard I remain Dr. Sir, Your Obedient & very respectful servt,
Js. Madison Jr

RC (PHi: Coxe Papers). Madison, *Papers* (Rutland), 10:222–23.

¹ See *ibid.*, pp. 201–2.

² That is, Joseph Jones, whose October 29 reply is in *ibid.*, pp. 227–29.

³ For the four newspaper essays published by Coxe under the pseudonym "An American Citizen," see *Doc. Hist. of Ratif.*, 13:247–51, 264–66, 272–73, 431–37.

Rufus King to John Adams

Dr. Sir

Boston 27. Oct. 1787

I intended to have written to you previously to my departure from New York. Mr. Jay has undoubtedly transmitted to you the late Acts of Congress permitting your return to America after the expiration of your Commission to the English Court, and giving you the unequivocal thanks of the U.S. for the diligent, faithful, and able discharge of your various public Duties since your Residence in Europe.¹ No minister of Congress having before received such Testimony of the public Approbation, you will naturally suppose the Truth, that the Partizans of those Ministers who have returned without any mark of public favor, were not entirely satisfied with the ample vote of Thanks in the present instance. This Distinction in my Judgment constitutes the principal value of the vote, since it proves that the measure was not of Course, but the Effect of singular merit.

Your last loan in Holland was approved and ratified;² and as on your return you will probably take leave at the Hague as well as at London, Congress judged it proper that your Legation to the former, should terminate with your Commission to the latter. There did not seem to be a Disposition in Congress to appoint a successor to either of these Courts at present;³ Mr. Jefferson's commission is renewed for Versailles, and I intend writing to Col. Smith by this Opportunity in reply to his last letter relative to the London Legation.

Some Difficulties have heretofore taken place in an allowance to Mr. Dana for a private Secretary while at St. Petersburg; I was very happy in effecting the customary Allowance to Mr. Dana on this point previously to my leaving Congress,⁴ and the more so as it will ease you of an Expenditure incurred for your Son while in Russia.

Massachusetts, Connecticut, & Pennsylvania have called conventions in their respective States to consider the Report of the late General Conventions—these are the only states, whose Legislatures have been in session since the publication of the Report.

With the highest respect & Esteem I have the honor to be Dr. Sir

your Obt. & very Hble Servt.,

Rufus King

RC (MHi: Adams Papers).

¹ For the adoption of these October 5 resolutions, and their transmission to Adams by John Jay October 16, see Richard Henry Lee to Adams, September 3, note 4.

² For Congress' October 11 ratification of Adams' last Dutch loan contract, which is in PCC, item 145, fols. 271–95, see *JCC*, 33:649.

³ See *JCC*, 33:613–15.

⁴ For the "customary Allowance" granted October 2, see *JCC*, 31:874–75, 33:588–89. Francis Dana's "private Secretary while at St. Petersburg" had been John Quincy Adams.

The settlement of Dana's accounts had long been delayed, and at one point treasury commissioner Samuel Osgood had been moved to issue the following detailed explanation of treasury procedures to mollify Dana, whose expenses had originally been approved by Congress July 22, 1785 (*JCC*, 29:569–70). The passage provides considerable insight into the workings of Congress and its agencies.

"When Congress refer a Matter to the Board [*of treasury*] to report upon, the Board examine the Merits in the first Instance, & report, more usually, without having any Recourse to the Comptroller. When Congress pass a Resolution that an indefinite Sum shall be allowed to a Person; The actual Sum due, is ascertained at the Comptroller's Office; in which, there are three independent Officers under Oath. The Clerk examines the Account in the first Instance, & Reports to the Auditor—this Officer examines it; & if the Claimant is dissatisfied with the Clerk's & Auditor's Decisions, he has a Right to appeal to the Comptroller, whose Decision is final; & the Board of Treasury have no Power to alter it. Whatever the Comptroller finds due, he certifies the Amount to the Board of Treasury, who issue their Warrant on the Treasurer for the same.

"You observe that Mr. Gerry in his Letter to you of the 22d July says 'The Board of Treasury made no Report respecting your private Secretary, & there being no Account of the Expence' &c. 'For the Auditor in his Report of the *same Date*, says Mr. Dana's *Charge of Salary* for a private Secretary' &c. The Words of the Auditor, prove that he had before him your second Account, which you enclosed to me, & in which you had *charged the Salary* agreeably to my Request. I beg you to look to the Date of this Report again, it cannot be in July. The second Acct. was referred to that Office the Day of Octo. & the Reports I furnished to you must bear Date after that Time.

"I was extremely sorry that the proper Officers for passing your Account made any Difficulty about it. But the Commissioners of the Treasury have no Right to interfere. The Report of the Clerk who examined your Account in the first Instance, I did not forward to you; The Clerk is severe upon Mr. [Walter] Livingston & myself, for giving an Opinion in Our Letter referring the Acct, that Congress by their act of 22d July had allowed the Charge, as you had made it, of a private Secretary. Thus Sir I have been placed between two Fires. I have endeavored to serve you; If I have fail'd in it, the Failure has arisen from Circumstances that I could not alter.

"Whenever the Account may be passed, the Money will be paid to you & not to Mr. Adams. It is true the Comptroller & Auditor require Mr. Adams Account, & your Certificate of the Time of Service, in Order to pass the Account. But whenever the Amount due may be certified to the Board, they will issue their Warrant agreeably to the Resolve of the 22d July [1785], which says that *you shall be allowed* the necessary Expences &c. . . .

"I am persuaded, Sir, that you do not mean to derive any Benefit to yourself from this Allowance & that your Inclination to serve Mr. Adams in this Matter proceeds from the purest Motives. As I sincerely Wish whenever it is in my Power to render him all the services I am capable of, so in this Instance, I only hope that you will candidly examine the Facts, and I am sure you will then acquit me of any supposed Inconsistency or Misrepresentation & of any Want of Disposition either to serve you or him." Samuel Osgood to Francis Dana, January 8, 1786, Osgood Papers, NHi.

Richard Henry Lee to Samuel Adams

My dear friend,

New York October the 27th. 1787

Our mutual friend Mr. Gerry furnishes me with an opportunity of writing to you without danger of my letter being stopt on its passage, as I have some reason to apprehend has been the case with letters written by me and sent by the Post. Under this impression it is, that I send you herewith a Copy of my letter to you of the 5th of this month. Major Sergeant delivered me the letter that you were pleased to write me on the 8th instant,¹ by which I see that you supposed me to have been a Member of the late Convention. I did early decline being a Member of that Body, because I was a Member of Congress and the proposed plan stated, that Congress should rev[i]ew, & if they approved, transmit the proposed *amendments to the Confederation*, (for that was the Idea, and indeed the only idea that the present federal plan admits of, or that the powers delegated to the Convention countenanced) to the 13 States for approbation and ratification. In this view of the business, it appeared to me an inconsistency that the same Men should in N. York review their own doings at Philadelphia. And thus opinion was fully verified when the Members of Convention came to Congress in such numbers with their own plan, that the Votes of 8 States were Convention Votes, & others divided by Conventioners, and conventioners mingled with many other States.² It is Sir most obvious, that the Constitution proposed by the Convention could not have a dispassionate and impartial consideration in Congress—And indeed it had none. In my letter to you of the 5th instant, I sent you the amendments that I proposed in Congress; if they, with my letter should have miscarried, our friend Mr. Gerry can furnish you with them.³ Mr. Wilson of Phila. has appeared in print with the Convention reasons in support of their profferd plan.⁴ How he has succeeded, Mr. Gerry will inform you. The Press has produced such Manly and well reasoned refutations of him and his system, that both have lost ground amazingly in the public estimation. His principal Sophism is, that bills of rights were necessary in the State Constitutions because everything not reserved was given to the State Legislatures, but in the Federal government, everything was reserved that was not given to the federal Legislature. This is clearly a distinction without difference. Because Independent States are in the same relation to each other as Individuals are with respect to uncreated government. So that if reservations were necessary in one case, they are equally necessary in the other. But the futility of this distinction appears from the conduct of the Convention itself, for they have made several reservations—every one of which proves the rule in Conventional ideas, to be, that what was not reserved was given. For example, they have reserved from

their Legislature a power to prevent the importa[tion] of Slaves for 20 Years, and also from Creating Titles. But they have no reservation in favor of the Press, rights of Conscience, Trial by Jury in Civil Cases, or Common Law securities. As if these were of less importance to the happiness of Mankind than the making of Lords, or the importation of Slaves! The essential defects in the construction of the Legislature, and the dangerous blending of the Legislative and Executive powers, so as to prevent all responsibility, are such radical objections, as render this plan inadmissible, in my opinion, without amendments. The Baron Montesquieu says "that the English is the only nation in the world, where political or civil liberty is the direct end of its constitution." I once thought that our free governments were intitled to the same praise. But the system under consideration, seems to have reversed the above idea. The acquisition of power unlimited, not the security of Civil liberty appears to be the object. Arbitrary government is indeed so carefully intrenched and barricaded against democratic influences, that I am very much mistaken if Civil Liberty does not expire under its operation. The friends of just Liberty here are astonished at the Occlusion of the Press in Boston at a season so momentous to Mankind.⁵ It is thought to augur ill of the New Government proposed, that on its being first ushered into the world, it should destroy the great Palladium of human rights. And at Boston too, where first the Presses pointed America to resist attempts upon her liberty and rights; there to find the great Organ of free communication stopped, when that was under consideration, which of all sublunary things demands the freest and fullest discussion: government, upon the goodness or badness of which, almost depends, whether we shall rank among Men or Beasts! When you are pleased to write to me, your letter, by being enclosed to our friend Mr. Os-good of the Treasury here, will be forwarded *safely* to me in Virginia, for which place I shall set out from hence on the 4th of next month. My best respects to your Lady, & I pray to be remembered to Gen. Warren, Mr. Lovell, & Doct. Holten.

I am dear Sir most sincerely and affectionately your friend,

Richard Henry Lee

RC (NN: Samuel Adams Papers).

¹ This letter, which has not been found, was delivered by Winthrop Sargent, who had recently been appointed secretary of the Northwest Territory. For Adams' December 3 response to the present letter and that of October 5 enclosed with it, see *Doc. Hist. of Ratif.*, 14:333-34.

² See Lee to Edmund Randolph, October 16, note 5.

³ For Lee's "amendments," see the enclosure to Lee to Elbridge Gerry, September 29.

⁴ James Wilson's October 6 speech before a public meeting in Philadelphia appeared in the October 9 edition of the *Pennsylvania Herald* and was subsequently printed in newspapers from Maine to Georgia. See *Doc. Hist. of Ratif.*, 13:337-44.

⁵ For a discussion of "the Occlusion of the Press in Boston," see *ibid.*, pp. 312-14.

Charles Thomson to Certain States

Sir, Office of Secretary of Congress, Oct 27 1787

The United States in Congress Assembled being informed that there is a probability that hostilities may have commenced or are on the eve of commencing between the State of North Carolina & the Cherokee Nation of Indians and between the State of Georgia and the creek nation of Indians; and being anxious to restore and preserve peace & harmony between the said states and the said Indians have passed the resolutions and instructions which are herewith enclosed.¹ By these your Excellency will see that the states of North Carolina, South Carolina and Georgia are authorised each to appoint one Commissioner—that the said Commissioners in conjunction with the Superintendent of Indian Affairs for the Southern department or in his Absence by themselves may negotiate a treaty for establishing peace between the United States and the tribes of Indians in the southern department: And that a sum of Money is appropriated for this business.

It now rests with those states to give efficacy to these resolves, and I am persuaded your Excellency will, as far as in your power, take the necessary steps for carrying into execution the good intentions of Congress.

With the greatest respect, I have the honor to be, Your Excys Most Obt. & Most h s.

P.S. The Instructions are to be considered as private and to be delivered to the Commissioner when chosen, for his Government.²

LB (DNA: PCC, item 18B). In the hand of Charles Thomson; postscript and address in the hand of Roger Alden. Addressed: "Governors, North Carolina, South Carolina, Georgia." RC (Nc-Ar). RC (ScCoAH).

¹ The enclosed resolutions and instructions were adopted October 26 on the recommendation of a committee consisting of Abraham Clark, William Grayson, and John Kean, who had been appointed the previous day to consider a motion by Henry Lee on the protection of the frontiers of North Carolina and Georgia. See *JCC*, 33:706–13. As Congress had authorized the governor of the Northwest Territory on October 22 "to hold a general treaty with the adjacent Indian tribes in the ensuing Spring" (*JCC*, 33:696), the committee also reported instructions for the conduct of both the southern commissioners and the governor of the Northwest Territory. And to carry on the work, \$6,000 was appropriated for holding treaties in the southern department in addition to the \$14,000 already appropriated for a treaty in the northern department. See also James Madison to Edmund Randolph, October 7, note 6.

² This postscript does not appear on the letter to the governor of North Carolina. Governors' Papers, Nc-Ar.

Charles Thomson to John Paul Jones

Sir, Office of Secretary of Congress, October 27th. 1787.

In obedience to an order of the United States in Congress Assembled I have to inform You that the business relative to the prizes taken during the late War, and sent to Denmark, is put under the management of the Honble. Mr Jefferson, Minister of the United States at the Court of Versailles: And for your further information, enclose a copy of two resolutions which were passed yesterday touching the appointment of an Agent to proceed to Denmark in case the Minister shall think it proper.¹

Having nothing further in charge, I embrace the opportunity to assure You, that I am, with much respect, Sir, Your Obedient humble servant

LB (DNA: PCC, item 18B).

¹ The enclosed two resolutions were actually adopted on successive days, October 25 and 26, not "yesterday." See *JCC*, 33:705–6, 713. For the voluminous reports on Jones' prize claims—by the board of treasury of July 19 and September 28, by John Jay of October 8, and by a committee of Congress of October 9—and the congressional debate on the issue, see *JCC*, 32:383–84, 33:555–69, 636–39, 645–45, 659–64. For Thomas Jefferson's involvement in Jones' case, see the more than four dozen entries pertaining to Jones "and prize money" listed in Jefferson, *Papers* (Boyd), 21:280. See also Edward Carrington to Jefferson, November 10.

Charles Thomson to George Washington

Sir, Office of Secretary of Congress, Oct 27. 1787

The enclosed order of the United States in Congress assembled¹ will apologize for the trouble I give in requesting you to send me the copy of a paper enclosed in Mr President Laurens' letter of the 19 Feby 1778² and marked "Committee's Conference with Baron Steuben.["]

The Baron thinks himself entitled to an indemnification for an annuity of about £600 sterling for life which he relinquished upon coming to America. To attain this he has made application to Congress grounding his claim upon a verbal contract with a committee who conferred with him when he first came to York town. There is no mention of such a contract on the journal nor any trace of it on the files. But in the letter of the 19 Feby 1778 which Mr Laurens wrote to

you by the baron there is a paragraph wherein he says that "upon the Arrival of this illustrious stranger at York town, Congress ordered a committee consisting of Mr Witherspoon, Mr McKean, Mr F L Lee and Mr Henry to wait upon & confer with him to pay the necessary compliments on his appearance in America And *to learn explicitly his expectations from Congress*" and then proceeds to say "the committee were directed to deliver him the substance of their conference in writing to be transmitted for your excellency's information"—& that all he "received or knew on this head will be seen in an enclosed paper marked Committee's conference with Baron Steuben to which he begs leave to refer your Excellency."³ As it is expected that this paper will throw light on the subject and remove all doubts, I have to request the favour of you to send me a copy of it to be communicated to Congress.⁴

I embrace the present occasion to assure you that I am with the most sincere esteem & respect, Sir, Your most obedit & most humble servt.

LB (DNA: PCC, item 18B).

¹ For this October 25 order, see *JCC*, 33:704.

² See these *Letters*, 9:133–35, especially note 3.

³ *Ibid.*, pp. 133–34.

⁴ For Washington's November 10 reply to Thomson and related documents, see PCC, item 19, 5:581–85; and Washington, *Writings* (Fitzpatrick), 29:307–9.

James Madison to Edmund Pendleton

Dear Sir

New York Octr. 28. 1787.

I have recd. and acknowledge with great pleasure your favor of the 8th instt.¹ The remarks which you make on the Act of the Convention appear to me to be in general extremely well founded. Your criticism on the clause exempting vessels bound to or from a State from being obliged to enter &c in another is particularly so. This provision was dictated by the jealousy of some particular States, and was inserted pretty late in the Session.² The object of it was what you conjecture. The expression is certainly not accurate. Is not a religious test as far as it is necessary, or would operate, involved in the oath itself? If the person swearing believes in the supreme Being who is invoked, and in the penal consequences of offending him, either in this or a future world or both, he will be under the same restraint from perjury as if he had previously subscribed a test requiring this belief. If the person in question be an unbeliever in these points and would notwithstanding take the oath, a previous test could have no effect. He would subscribe it as he would take the oath, without any principle that could be affected by either.

I find by a letter from Mr. Dawson that the proposed Constitution is received by the Assembly with a more prompt & general approbation than could well have been expected. The example of Virginia will have great weight, and the more so, as the disagreement of the deputation, will give it more the appearance of being the unbi[as]sed expression of the public mind. It would be truly mortifying if any thing should occur to prevent or retard the concurrence of a State which has generally taken the lead on great occasions. And it would be the more so in this case as it is generally believed that nine of the States at least will embrace the plan, and consequently that the tardy remainder must be reduced to the dilemma of either shifting for themselves, or coming in without any credit for it. There is great reason to believe that the Eastern States, R. Island excepted, will be among the foremost in adopting the system. No particular information is yet received from N. Hampshire. The presumptive evidence of its good disposition however is satisfactory. The Legislature of Masss. is now sitting, and letters from good authority, say that every thing goes well. Connecticut has unanimously called a Convention, and left no room to doubt her favorable disposition. This State has long had the character of being antifederal. Whether she will purge herself of it on this occasion, or not, is yet to be ascertained. Most of the respectable characters are zealous on the right side. The party in power is suspected on good grounds to be on the wrong one. N. Jersey adopts eagerly the Constitution. Penna. is considerably divided; but the majority are as yet clearly with the Convention. I have no very late information from Maryland. The reports are that the opposition will make no great figure. Not a word has been heard from the States South of Virginia, except from the lower parts of N. Carola. where the Constitution was well received. There can be little doubt I think that the three Southern States will go right unless the conduct of Virginia were to mislead them.

I inclose two of the last Newspapers of this place, to which I add one of Philadelphia, containing the report of a late important decision of the supreme Court there. If the report be faithful, I suspect it will not give you a high idea of the Chancery knowledge of the Chief Justice.³ I am Dear Sir with sincere affection, Yr. Obedt. friend & servt.,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:223–24.

¹ See *ibid.*, pp. 188–89.

² "This provision" was Article I, Section 9, clause 6 of the Constitution which had originated in an August 25 motion made by Daniel Carroll and Luther Martin of Maryland. See *JCC*, 33:493–94; and Farrand, *Records of the Federal Convention*, 2:417–18, 434, 437, 480–81, 618.

³ That is, Thomas McKean. For this "important decision," see Madison, *Papers* (Rutland), 10:224n.2.

James Madison to George Washington

Dear Sir

New York Octr. 28. 1787.

The mail of yesterday brought me your favor of the 22d instant.¹ The communications from Richmond give me as much pleasure, as they exceed my expectations. As I find by a letter from a Member of the Assembly,² however, that Col. Mason had not got down, and it appears that Mr. Henry is not at bottom a friend, I am not without fears that their combined influence and management may yet create difficulties. There is one consideration which I think ought to have some weight in the case, over and above the intrinsic inducements to embrace the Constitution, and which I have suggested to some of my correspondents. There is at present a very strong probability that nine States at least will pretty speedily concur in establishing it. What will become of the tardy remainder? They must be either left as outcasts from the Society, to shift for themselves, or be compelled to come in, or must come in of themselves when they will be allowed no credit for it. Can either of these situations be as eligible as a prompt and manly determination to support the Union, and share its common fortunes?

My last stated pretty fully the information which had arrived here from different quarters, concerning the proposed Constitution. I recollect nothing that is now to be added farther than that the Assembly of Massachusetts now sitting certainly gives it a friendly reception. I enclose a Boston paper by which it appears that Governor Hancock had ushered it to them in as propitious a manner as could have been required.³

Mr. P. 's character is as you observe well marked by the publications which I inclosed.⁴ His printing the secret paper at this time could have no motive but the appetite for expected praise: for the subject to which it relates has been dormant a considerable time, and seems likely to remain so.

A foreign gentleman of merit, and who besides this general title, brings me a letter which gives him a particular claim, to my civilities, is very anxious to obtain a sketch of the Potowmac and the route from the highest navigable part of it, to the western waters which are to be connected with the Potowmac by the portage; together with a sketch of the works which are going on, and a memorandum of the progress made in them. Knowing of no other channel through which I could enable myself to gratify this gentleman, I am seduced into the liberty of resorting to your kindness; and of requesting that if you have such a draught by you, your amanuensis may be permitted to take a *very rough copy* of it for me. In making this request I beseech you Sir to un-

derstand that I do it with not more confidence in your goodness than with the sincerest desire that it may be disregarded if it cannot be fulfilled with the most perfect conveniency.

With sentiments of the most perfect esteem & the most Affecte. regard, I remain Dear sir, Your Obedt. freind & hble servt.,

Js. Madison Jr.

[P.S.] The British Packet has arrived but I do not learn that any news comes by her. Her passage has been a tedious one.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:225–26.

¹ See *ibid.*, pp. 203–4.

² John Dawson, for whose October 19 letter see *ibid.*, p. 198.

³ Gov. John Hancock's October 17 speech before the General Court had appeared in the *Boston Gazette* of October 22 and in the *Boston Independent Chronicle* of October 25.

⁴ That is, the character of Charles Pinckney. See Madison to Washington, October 14, note 2.

Nicholas Gilman to John Langdon

Dear Sir

New York October 30th 1787

Having nothing interesting to communicate this serves only to accompany the newspaper. We have no dispatches by the last packet—but the paper Account of the ardent complexion of affairs in Europe is so correspondent to the last official advices from that Country that I am induced to believe it a tolerable state of facts and send it for your amusement.

Should there be a War in Europe it would be peculiarly unfortunate for us not to have an efficient Government by which we might be enabled to avail ourselves of the advantages that would open to us. It seems as tho. nothing but a consideration of the wretched state of the finances of France and England now smothers the flame and should the report of Cornwallace's having sunk the french Vessel in Calcutta prove true; there is some reason to believe it will soon burst forth. Be these things as they may I pray GOD to give us a further respite with Wisdom to improve the present Glorious opportunity to become great and happy.

With the most sincere Respect & Esteem, I am, Dear sir, Your most Obedient & Most Humble servant,

N. Gilman

RC (NhHi: Langdon-Elwyn Family Papers).

James Madison to Archibald Stuart

Dear Sir¹

New York Octr. 30. 1787.

I have been this day favored with yours of the 21st instant² & beg you to accept my acknowledgments for it. I am truly sorry to find so many respectable names on your list of adversaries to the federal Constitution. The diversity of opinions on so interesting a subject, among men of equal integrity & discernment, is at once a melancholy proof of the fallibility of the human judgment, and of the imperfect progress yet made in the science of Government. Nothing is more common here, and I presume the case must be the same with you, than to see companies of intelligent people equally divided, and equally earnest, in maintaining on one side that the General Government will overwhelm the State Governments, and on the other that it will be a prey to their encroachments; on the one side that the structure of the Government is too firm and too strong, and on the other that it partakes too much of the weakness & instability of the Governments of the particular States. What is the proper conclusion from all this? That unanimity is not to be expected in any great political question, that the danger is probably exaggerated on each side, when an opposite danger is conceived on the opposite side—that if any Constitution is to be established by deliberation & choice, it must be examined with many allowances, and must be compared not with the theory, which each individual may frame in his own mind, but with the System which it is meant to take the place of, and with any other which there might be a probability of obtaining.

I cannot judge so well as yourself of the propriety of mixing with the adoption of the federal Constitution a Revision of that of the State. If the latter point could be effected without risk or inconvenience to the former, it is no doubt desirable. The practicability of this will depend on the degree of unanimity with which it could be undertaken. I should doubt extremely whether the experiment could safely be made. Might not the blending these two things together unite those who are unfriendly to either, and thus strengthen the opposition you have to contend with? In case the Genl. Government should be established it will perhaps be easy to follow it with an amendment of our own Constitution. The example will have some influence by proving the practicability & safety of such experiments. And if the Convention think fit, they may lay a proper train of themselves for bringing the matter about.

The public mind in this quarter seems not finally settled as yet with regard to the proposed Constitution. The first impression has been every where favorable except in Rh. Island. Nor is there any reason to suspect that the generality of States will not embrace the measure. The character of this State has long been antifederal, & is known that

a very powerful party continue so. Penna. is also divided into parties, but it is supposed that a majority will pretty certainly on the right side.

With great respect & regard I am Dr Sir Yr. Obdt. & hble. servt.,
Js. Madison Jr

RC (ViHi: Stuart Papers). Madison, *Papers* (Rutland), 10:232–33.

¹ Archibald Stuart (1757–1832), of Staunton, Va., had served with the state's troops during the southern campaign, studied law under Thomas Jefferson, and established a legal practice in the Shenandoah Valley. He was elected to the House of Delegates from Botetourt Co. in 1783 where he distinguished himself in the reform of the state court system and the reorganization of the state government. He also played a prominent role in Virginia's ratification of the Constitution. Stuart later became a judge of the general court of Virginia. *DAB*.

² See Madison, *Papers* (Rutland), 10:202–3.

Nicholas Gilman to John Sullivan

Sir

New York October 31st. 1787

I am honored with your Excellencys obliging favor of the 22d of September, which unfortunately did not come to hand untill last evening by post—but the letter, alluded, in reply to mine of the 18th of August¹ I have not had the pleasure to receive. What devious paths they may have taken or into what unkind hands have fallen I know not—but consider it very unfortunate that I did not receive them in time, as it has occasioned some delay on my part, and has probably deprived me of such further communications as would have been very satisfactory & useful.

When I had the honor to address your Excellency last from Philadelphia² it was not my intention to have taken a seat in Congress this year but as it was conceived important to have a full House on the subject of the new plan of Government I was induced to take a seat; and have continued in Congress in expectation of receiving a small supply of Money and of having a Colleague for the next year. I am unhappy in not having received a line from your Excellency on the subject of the new Constitution. I presume however it will have your support—and from all accounts from the different States I think there is a great prospect of its being generally adopted. New York (ever Antifederal) will keep back in order to direct her proceedings by the conduct of other states.

The intemperence of a number of the members of the Pennsylvania Legislature has made enemys to the new plan—but not such as to render the adoption of it very doubtful. Virginia has given rise to the greatest opposition; but their delegates inform me that their last letters have removed all doubts of its adoption in the ancient dominion: their opposition arises from an ill founded jealousy of New England

on the Subject of Commercial regulations, the power of making which they are unwilling to leave to a Majority of the Legislature; but wish to have it so established in the Constitution, as that the five Southern States may have the power to prevent all such regulations as may, by possibility, operate against their present interest. This is their great objection—an other of inferior order (and which I believe had a powerful operation on the sentiments of the gentleman from Massachusetts who refused his assent) is the equal representation in the Senate. These are objections of a nature not to be removed; and if the States do not adopt the present plan, notwithstanding its imperfections, I am fully convinced that there is not the remotest probability of gaining the general assent to one less exceptionable—and in that case (after all our blustering) we shall exhibit to the world nothing new—but shall probably pursue the track of nations that have gone before us and establish a Government or Governments by the sword and seal it with blood.

In the course of conversation with the delegates of Virginia I find they are interrogated by those who have the management of the finances of that State; on the subject of State Speculations in public securities—and it is recommended by a number of their most respectable Characters to lay all taxes in hard money and empower an Agent to purchase their Quota. They are not in possession of their quota of the old emission Money and have asked me how we would part with ours. I have informed them that probably they might buy it but have evaded all questions respecting a price. Now sir—if the Virginians are disposed to give a tolerable price for this money would it not be well for us to sell it and purchase the final settlement Notes on the best terms we can?

The sale of the western lands is going on very well; what is already sold and applied for will amount to about Seven Million dollars—and if North Carolina & Georgia should make such Cessions as might be expected, it is supposed there will be public lands enough to absorb the most, or perhaps the whole of the domestic debt. It will however appreciate as the sum in circulation diminishes—therefore if our State could adopt the policy of Virginia in buying up a few thousand pounds with hard Money I should think it would prove very advantageous; particularly to the poorer class of people who often become victims to the avarice of the Harpies that are sometimes employed in collecting taxes.

Pennsylvania & New York have bought up their quotas of the public securities and Massachusetts has bought in a considerable sum.

We have no despatches by the last packet—but the news paper account of the commotions in Europe is so correspondent to the last official advices that I am inclined to consider it as a tolerable state of facts and enclose it for your Excellency's perusal. As in the course of

writing I may insert things of a nature improper for public discussion I must request your Excellency will please to communicate such parts, only, of my letters, as the public good may require.

Your letter to Messrs. P. & H.³ will go on by the morning post. With sentiments of the highest Respect, I have the honor to be, your Excellency's Most Obedient & Most Humble Servant, Nich. Gilman

RC (Nh-Ar: State Papers, Revolutionary Correspondence). Addressed: "His Excellency President Sullivan."

¹ Not found.

² See Gilman to Sullivan, September 18.

³ Probably the Philadelphia firm of Timothy Pickering & Samuel Hodgdon.

Virginia Delegates to Edmund Randolph

Sir,

New York November 3d. 1787

The requisition for the present year has already been transmitted to the States by the Secretary of Congress;¹ we, however, now do ourselves the honor to inclose it to your Excellency, together with a report of the Treasury Board, and a return of payments by the Several States to the 30th of June, all which we beg the favor of you to lay before the General Assembly, for their more full information upon the Federal resources.²

The report of the Treasury Board was proposed for the adoption of Congress as a Requisition, and the statements contained in it, form the foundation of the Act which has been agreed to; but it was thought best to reverse the appropriations suggested by the Board, and by that means call for the amount required upon the new Requisition, in facilities instead of Specie, conceiving that the ability of the States to comply with the demand, would be increased by the extension of the Latitude of accommodation. Upon the same Consideration the restrictions which were imposed upon the issues and payment of Indents, in the former requisitions, are, by a Clause in this, repealed. The way is now open for evidences of Interest to be issued up to the end of 1786, and it is left to the States to obtain, and pay the balances now due upon their respective quota's in such ways as to them shall seem expedient.

Virginia is greatly in arrear in the Indents which have been called for upon the several requisitions from September 1782 inclusive. For discharging these balances we beg leave to submit to the consideration of the Legislature, a mode different from that which has hitherto been pursued. Any observations upon the impolicy of the Systems by which Indents have been made receiveable, upon an equal footing with Specie, in Taxes, we conceive to be Unnecessary, as they must be

evident to every one who has in any manner been connected with their Operation, they procure little or no Satisfaction to the public Creditor, while they enormously oppress the Laborious Taxpayer, and are productive of undue emolument to intermediate hands, who are not the objects of public provision, and who would be employed in more useful Occupations did not the public create this Scene of Speculation for them. This being the case, a change of System is necessarily called for, and it only remains to be decided what that change shall be. The first object that presents itself in considering this Subject is, justice to the public Creditors, who have a right to expect their interest in full Specie Value; and could Taxes be collected in specie, commensurate to this demand, it would in our opinions, be the duty of the Public to collect the money and pay it to the Claimants; this measure is however impracticable, nor is it material to a decision what other to adopt, to determine whether this impracticability arises from the poverty of the people, the situation of our Commerce, or any other Cause. It is reduced to a Certainty, that in any Operation the Creditor must find the public provision inadequate to his demand, and he must be satisfied to negotiate his claim at a considerable Loss, or let it lay useless by him—it then behoves the public to make the best provision which the circumstances of the people will admit, and to open the best possible ground of negotiation, which may be embraced or neglected by the creditor at his own option; but should he determine to Negotiate at a loss, it is highly proper that the loss he sustains, should rather be turned to the common relief, than the emolument of the Collectors and a few other Individuals—upon these Considerations we beg leave to submit to the wisdom of the General Assembly, whether it would not be best to discard the mode of Collecting Indents in Taxes as has hitherto been done, and to lay as great a Tax as the people can reasonably pay in Specie, to be applied in the purchase of the Indents—upon the ground of such a Tax the great speculators would be ready to enter into Contracts for supplying them at Certain prices—in addition to the prospect of success in this Measure which must now be evident, we have to observe that the repeal of the restrictions upon the Issues of Indents will soon throw into the Market great sums of them, and as it is to be presumed that most of the States will Neglect to make proper provision for their Redemption, there must be a considerable fall in their Value.³

You will observe Sir, that for discharging our foreign demands, as well as the domestic expences of the Current year, Congress rely upon a Surplusage in the former requisitions, occasioned by many of the Objects for which these requisitions were made, being turned into the liquidated debt, and other Circumstances which appear in the report of the Treasury Board; but as this surplusage exists altogether in the balances now remaining due from the States, and the purposes for

which it is appropriated are indispensable, it remains absolutely Necessary that these balances be fully paid—our last payments in Europe have been effected by a new Loan of one Million of Guilders negotiated by Mr Adams in Holland, but Congress from motives of Honor and Justice which must present themselves without further explanation have ordered that no farther Loans be negotiated⁴—it remains therefore with the States to determine whether the Credit and administration of the Union, are to be Supported for another year, or abandoned. The 109,391 64/90ths Dollars appropriated in the hands of the Commissioners of Loans in Holland, is the balance now remaining of the late Negotiation, but it amounts to but a Trifling part of the sum Necessary for foreign purposes.

We also have the Honor to enclose to your Excellency the Ordinance for establishing a Temporary Government in the Western Territory, and providing for its passage into state Governments⁵—a part of this plan depends upon the Accession of Virginia, to which we beg leave to call the attention of the Legislature. The proposed arrangement of the Territory into three States we conceive to be much better than that which was formerly made in Conformity to the Act of Cession. A Division of the Country into many small states would effectually disappoint the design of Virginia, that the inhabitants be admitted into the Federal Government, upon their becoming so numerous as to have reasonable pretensions to such admission, because it might, upon the whole, be very populous, and yet in no one of the described States, contain as many inhabitants as the smallest of the original States; in this situation it could not be expected, they would remain long contented, and the federal Government would be under the Necessity of suffering them to enter into other Alliances, or departing from the stipulated terms of Admission. The proposed arrangement of the Territory into three States will avoid these difficulties, without any eventual inconvenience, from the reduction of the Number—indeed, if it is thought material to the interest of the southern states, that their scale be strengthened by an accession in this quarter, that object will be better secured by the new, than the old plan, because upon the former there may be an early admission of a state, but upon the latter such an event must be long, or perhaps forever postponed.⁶

We are happy in being able to present to the View of your Excellency and the Legislature a prospect of an early and considerable reduction of the domestic debt by sales of Western Territory. Seven Ranges of Townships have been surveyed agreeably to the Ordinance of the 20th of May 1785, containing upwards of one Million of Acres, about one hundred and Twenty thousand Whereof have been sold for somewhat more than the Average price of one dollar per Acre in public securities—these ranges extend west from the place of beginning directed in the ordinance nearly down to Muskingum. But a mode of

Sale has lately presented itself which promises a more rapid progress, while it will exempt the United States from the greatest part of the expence that would attend a strict pursuance of the Ordinance, without Materially departing from it. Companies of Adventurers have come forward with propositions for large Tracts, and a Contract is actually made with Messrs Sargent and Cutler, in behalf of a considerable Company from the Eastern States, for all the Country between the seventh Range of Townships, and Sciota, from the Ohio North, as far as a due West line to be extended from the Northern boundary of the Tenth Township—the whole of this tract is supposed to contain about five Millions of Acres. The terms are, that the United States, shall at the public expence, Survey & mark the external boundaries, and ascertain the Contents of the Tract—the Company to lay it out, at their own expence, into Townships and Sections, agreeably to the Ordinance, subject to the reserves therein described, except that one of the sections for future sale shall be granted forever for the purposes of Religion, and that two Complete Townships shall be granted forever for the purposes of an University. All other Lands within the Tract, to be paid for, without any abatement whatever for bad Land, at the price of two thirds of a dollar per acre in public Securities, excluding interest—half a million of dollars to be paid upon closing the Contract, and possession taken so far as that payment will cover; and afterwards payment and Occupancy to go on, *pari passu*, at certain periods, under Certain stipulations of reciprocal assurance. Army Rights for Military Bounties are made receivable in payment of the purchase money, in the proportion of one seventh part, but as Lands are set a part and to be surveyed, for satisfying these Bounties, more to the advantage of the Claimants, it is not likely that many of these Rights will be rendered in discharge of this debt.

Another offer is made by Judge Symmes and his associates from New-Jersey, for about two and an half Millions between the little and great Miami's, upon the same terms. Congress have Authorised the Treasury Board to close with this proposition, but it is not yet completed; upon these two Contracts being carried into full effect they will take up, as may be seen by the statement inclosed, upwards of three Millions and an half of dollars, even upon a supposition that the full proportion receiveable in Bounty Rights, be actually rendered.⁷ Two other propositions have been made, whereupon Congress have given the Treasury Board a general Authority to sell by Contract; provided that no tract so disposed of shall contain less than one Million of Acres, making the Terms of Sargent and Cutlers purchase the ground, with deviations as to the grants for religion, and an University, unless the Contract be for an equal quantity.⁸ This mode of Sale is calculated to relieve the United States of much expence, and present appearances are, that our people will soon feel the domestic debt considerably lightened, by it.

This great fund for the extinguishment of the National debt, has lately received a probable augmentation, by a Cession from South Carolina of a Tract that will, it is supposed, be eventually within the limits of that state, containing about half a Million of Acres on the Mississippi, upon running the lines lately stipulated in the adjustment of her disputes with Georgia.⁹

The Requisitions upon North Carolina and Georgia for liberal Cessions of Territory have recently been repeated by Congress in terms so pressing that we hope these States will not persevere in withholding those Acts of Justice.¹⁰

In pursuance of our instructions we have called the attention of Congress to the subject of the Barbary piracies, and a measure for forming a Confederacy with some of the European powers, who may be disposed to Act against them, had been contemplated, but the desperate prospect of the United States being enabled to comply with their Stipulations in such a Confederacy, has obliged Congress to decline any Overtures towards this desirable object. We cannot however forbear to express our regret, that a measure which appears so practicable, which would be so honorable to the Union, and in which the States are so materially interested, should be neglected because the necessary Contributions for its support cannot be relied upon.¹¹

The Subject of the great accounts of the Union has this year received its accustomed revision, and is considerably improved. We have the honor to inclose to your Excellency an Ordinance of the 7th of May last for the Completion of this Business, and beg the favor of you to lay it before the General Assembly.¹² The reduced State of Congress in the latter part of the year has prevented the election of the three Superior Commissioners, but as the Subordinate parts of the plan is now in Operation in the districts, the elections may be made by the New Congress in time for every useful purpose.

We beg leave to call the attention of the Legislature to the Great Balance which stands against the State in the Treasury Books, on account of the old paper emissions; this Balance is nearly twenty Six Millions of dollars¹³—it is for the Legislature to determine upon the most eligible mode of discharging it, but could funds be provided for obtaining it by purchase we apprehend it could be got at a much lower rate, than that at which, upon a final settlement of the accounts, it will be adjusted. Large sums of this money are in the hands of Individuals in the Eastern States, who would doubtless be disposed to sell; we, however have no principles on which to hazard an Opinion upon the demands that would be made by the holders for it.

In pursuance of the enclosed resolution of the 21st of April last a Contract has been made for a Coinage of Copper,¹⁴ from which some aid will result to the resources of the United States—and we beg leave to call the attention of the Legislature to the Necessity of passing Laws for prevention of Counterfeits.

We have the honor to be, with the greatest re[spect] for your Excellency & the Legislature, Your Excellencies Most Obt. Se[rvy]

Willm. Grayson Ed. Carrington

Js. Madison Junr. Henry Lee

RC (Vi: Continental Congress Papers). In a clerical hand with closing and signature by Carrington and signed by Grayson, Lee, and Madison.

¹ See Charles Thomson to the States, October 18, note 2.

² For the board of treasury's September 28 report, see Madison to Randolph, October 7, note 4. This report, the September return of state papers signed by Joseph Nourse, and the enclosures referred to in note 1 above, and notes 5, 7, 12, and 14 below are in the Continental Congress Papers, Vi.

³ The assembly followed the delegates' advice by appropriating in January 1788 a substantial sum "to procure indents for discharging the . . . requisition." See Hening, *Statutes*, 12:412–32, especially p. 426.

⁴ For Congress' October 11 ratification of John Adams' latest Dutch loan contract, see *JCC*, 33:649; and *PCC*, item 145, fols. 271–95.

⁵ See *JCC*, 32:334–43. See also Richard Henry Lee to Francis Lightfoot Lee, July 14, note 2.

⁶ Although Virginia's original act of cession had stipulated that no state should be formed in the northwest territory "less than one hundred, nor more than one hundred fifty miles square," Congress requested in July 1786 that Virginia alter its act to permit division of the territory into "not more than five nor less than three" states. The General Assembly had not acted prior to passage of the Northwest Ordinance of 1787 and it was not until December 1788 that it repealed its previous act of cession and ratified the Ordinance. See *JCC*, 30:390–94; and Hening, *Statutes*, 11:327, 572, 12:780–81.

⁷ In the enclosure summarizing the contracts negotiated with the Ohio Company, the Scioto Company, and John Cleves Symmes and the Miami Associates, the delegates calculated that of the 7.5 million acres set aside, 2,142,854 (or 28%) would be reserved for military bounty rights and future sales and grants, and that sale of the remaining 5,357,146 acres at $\frac{2}{3}$ dollar per acre would net \$3,571,430.

⁸ For this October 23 resolution, see *JCC*, 33:701–2.

⁹ For the South Carolina cession accepted by Congress on August 9, see *JCC*, 33:466–67, 475–77.

¹⁰ See Charles Thomson to Richard Caswell and George Mathews, October 25.

¹¹ On July 27 William Grayson had moved that Congress direct Thomas Jefferson "to form a Confederacy with the powers of Europe who are now at War with the piratical States of Algiers, Tripoli and Tunis" for the purpose of protecting Mediterranean shipping. The motion was referred to John Jay who reported August 2 that, while the proposal was preferable to paying tribute, the public revenues would not support the three frigates required by the plan. See *JCC*, 33:419–20, 451–52.

¹² See *JCC*, 32:262–66.

¹³ This figure was later amended by Randolph as a result of a November 5 letter from Edward Carrington. In reviewing the draft of this letter, Carrington wrote, "I find that a considerable error has happened in the paragraph respecting the old emissions of paper money. The balance against the state on the T[reasury] Books is nearly *Twenty Six* Millions of dollars, in our letter only *Six* is written. Permit me, Sir, to request the favor of you to Correct the paragraph before you transmit the letter to the Assembly." Continental Congress Papers, Vi.

¹⁴ See *JCC*, 32:225.

Sir Office of Secretary of Congress. Novr. 4th. 1787.

The fifth of the Articles of Confederation and perpetual Union provides, that for the more convenient management of the general Interest of the United States, Delegates shall be annually appointed in such manner as the Legislature of each State shall direct to meet in Congress on the first Monday in November in every Year. The federal Year now drawing to a close, and few Delegates appearing to take their seats on Monday next, The Congress previous to their rising have commanded me to inform Your Excellency, that the present critical situation of public Affairs requires the immediate Assembling of the States in Congress, and that it is their earnest desire that Your Excellency would urge the attendance of the Delegates for Your State with all possible dispatch.¹ In executing this command, I have the honor to be, with the greatest respect, Your Excellency's Most Obedient & Most humble servant,

Cha Thomson

RC (CtY: Knollenberg Collection). In the hand of Roger Alden and signed by Thomson. Addressed: "His Excellency The President." This was undoubtedly a circular letter to all the states although only this otherwise unidentified copy has been found.

¹ Congress last convened a quorum on October 27. The new federal Congress was to convene on Monday, November 5, but only 5 delegates from three states attended, with South Carolina and Georgia alone represented. See *JCC*, 33:714–15.

Dear Sir

I have received your favour of the 1st and am sorry I cannot send you the Sea letters you write for, as it requires an Order of Congress to issue them and there is not at present a sufficient number of States assembled to pass such order. As soon as seven States meet I will procure & send you the usual Sea letters but I am much afraid they will not come in time to answer your purpose.¹

With much respect, I am, Dear Sir, Your obed. humble Servt,
Cha Thomson

RC (PHi: Gratz Collection).

¹ See Thomson to FitzSimons, February 3, 1788.

Charles Thomson's Memorandum Book

[November 6–23, 1787]

Novr. 6.

transmitted to the Office for foreign Affairs—

Letters from Mr Adams¹—(see rect. filed).

Novr. 11, Decr. — 1785—in cypher—with translation.

Jany. 27, 1787.

Letters from Mr Jefferson

May 4th, Augt. 6, Augt. 15th, 1787²

Letter from John Lamb

Augt. 5th, 1787³

Letter—Wilhelm & Jan Willink. Nichl. & J. Van Stephorst.

June 30th, 1787, with copy of a letter June 16th 1787 from
Mr Adams to Mr Jay.⁴

Letters from William Smith

July 5th, 1785.

Augt. 7th, 1786. the pamphlet missing⁵

Letters from Mr Dumas

No. 24 & 25.⁶

Note—Minister of U. Netherlands.

Decr. 8th, 1784, May 29th, 1786.⁷Note from Mr. Gardoqui, June 30th, 1786, Letter Sept. 18th, 1787.⁸

Letter from Charges des Affairs of France

Augt. 20th, 1785. & Memorial of french Merchants⁹Novr. 28th, 1785 & plan of treaty respecting Post Offices¹⁰Letter from Dr Franklin. Sept. 19th, 1785.¹¹

Letter from Govr. of Havanna—

Augt. 26th, 1784 respecting Oliver Pollock Esqr.¹²

Letters from Mr Temple

Feby. 25th, 1786 with two Memorials, June 7th, July 5th,
1786.¹³

Letter from Capt. J. P. Jones

Augt. 6th, 1785

July 14th, 1785 from Mr de Soulanges¹⁴

Letter from Mr S. Shaw

Decr. 31st, 1786 from Canton¹⁵Draught of a treaty of Amity & Commerce between ——— & U.S.¹⁶

Novr. 12th. Transmitted to the Office for foreign Affairs

Letter—May 16th, 1785 from Mr Marbois¹⁷Letter—June 14th, 1785 from Mr Marbois & Meml of James Le
Ray de Chaumont.¹⁸

Transmitted to the Board of Treasury

Paper stiled—Resullat fouritures et Advances to the U. States of
America enclosed in letter Feby. 22d 1785 from Mr Marbois¹⁹

Copy of a letter from Mr de Calonne to Mr de Vergennes, Copy of a letter from Mr de Vergennes to Mr Marbois and two accounts accompanying them enclosed in a letter Feby. 22d 1785 from Mr Marbois to Mr Jay²⁰

Transmitted to the Office for foreign Affairs—

Letter—Sept. 16th, 1785—from James Wilkie²¹

Letter—June 20th, 1786 from John ODonnel²²

Novr. 16 Transmitted to the Office for foreign Affairs the following Pamphlets

A dramatic performance in 5 Acts—dedicated to Madame Asgill, in french—entitled Asgill.²³

La Conduite de Mons. Alexander Philippe Baron de Capellen

L'Ex Regent Qelandois Demasque—Dialogue—

Considerations sur l'Affairs Du Seigneur Duc Louis de Brunswick

Memorial to their High Mightinesses the States General of the United Provinces of the low Countries by Mr Adams—April 19th, 1781²⁵

Proposition de Monsr. les Députes de la Ville d'Amsterdam sur les mesures necessaries prendre pour delivier la patrie des maux qui la menacent²⁶

Collection of State Papers relative to the first acknowledgment of the Sovereignty of the U.S. of America, and the reception of their Minister plenipotentiary by their High Mightinesses &c²⁷

Laws of the Legislature of the State of New York in force against the Loyalists—transmitted in letter Augt. 7th, 1786 from Wm Smith.²⁸

Novr. 23d. Vol. Encyclopedia in french²⁹—recd by Mr Madison—see rect.—returned to the Office March 10th, 1788.

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, October 3–30, 1787.

¹ These letters to John Jay are in PCC, item 84, 5:729–32, 6:43–67, 407–8.

² See Jefferson, *Papers* (Boyd), 11:338–43, 693–99, 12:39–40.

³ See PCC, item 91, fols. 539–40.

⁴ See PCC, item 84, 6:501–3, item 145, fols. 233–34.

⁵ These letters are not in PCC. Following this entry Alden wrote: “transmitted Novr. 16th, 1787.”

⁶ These letters to John Jay of June 7 and June 30, 1787, are in PCC, item 93, fols. 255–59, 275–77.

⁷ See PCC, item 99, fols. 67–68, 255–71.

⁸ See PCC Miscellaneous Papers, M332, reel 5, fols. 39–40; PCC, item 97, fols. 201–3; and JCC, 30:396n.

⁹ For this letter from the marquis de Barbé-Marbois and its enclosure, see PCC, item 120, 1:402–16.

¹⁰ For this letter from Louis-Guillaume Otto and its enclosure, see *ibid.*, 1:518–36.

¹¹ See PCC, item 100, 2:260–62.

¹² This letter from Gov. Luis de Unzaga to Pres. Thomas Mifflin is in PCC, item 50, fols. 493–95.

¹³ See PCC, item 92, fols. 499–506. The memorials, from William Hunt and Richard Lawrence, are actually dated February 7 and 18, 1786.

¹⁴ Jones' letter, and its enclosure from the commandant at Toulon, Monsr. Soulanges, are in PCC, item 168, 2:329–34.

¹⁵ See PCC, item 120, 3:227–43.

¹⁶ Not identified, but for the treaty of amity and commerce with Prussia that Congress ratified May 17, 1786, see *JCC*, 30:269–85.

¹⁷ See PCC, item 120, 1:257–68.

¹⁸ *Ibid.*, pp. 312–32.

¹⁹ *Ibid.*, pp. 112–17.

²⁰ *Ibid.*, pp. 101–12.

²¹ For this letter and its enclosure, one of August 28, 1785, from Richard O'Bryen, et al., see PCC, item 42, 6:117–20, item 78, 24:567–70; and *JCC*, 29:906. Immediately following this entry Alden wrote: "returned & filed in Secy. Office."

²² This letter from John O'Donnell to Congress is in PCC, item 78, 17:385–401.

²³ For this drama by Jean Lebarbier (the younger), see these *Letters*, 22:527n.1; and Washington, *Papers* (Abbot), Confederation Series, 2:407n.

²⁴ These three French pamphlets have not been further identified.

²⁵ This memorial is actually dated March 8, 1781. Adams' memorial of April 19, which is similar to that of March 8, is addressed "To his most Serene Highness, the Prince of Orange and Nassau." See PCC, item 84, 3:143–48.

²⁶ Not identified.

²⁷ Not identified.

²⁸ This letter is not in the PCC.

²⁹ The first edition of the *Encyclopédie*, brought out under the general direction of Denis Diderot, consisted of 35 folio volumes. A new, enlarged edition was launched in 1782 which eventually reached 166 volumes.

Nicholas Gilman to John Sullivan

Sir

New York November 7th 1787

For the satisfaction of my own mind on the subject, I have procured a statement of the National debt (as far as it can be at present ascertained) in one view; and it being, perhaps, more particular than any one heretofore made out, I take the liberty to enclose it, with the papers of the day; and beg leave to observe (as I omitted it in my last) that there is an error in the printed Schedule of the French and Dutch Loans—viz. Sept. 3d, 1787. 900,000 Liv[re]s carried out 666,666.60 dollars.¹

The most important news we have here is from Georgia;² where they are under the greatest apprehensions of an open war with the Creek Nation, which, according to the Account of the Georgia delegates, consists of Seven or Eight thousand fighting men; but, be that as it may, they have had several skirmishes, and the Indians preparation for war is so alarming to the State that they have thought proper to order all the Slaves upwards of sixteen years of age, within sixteen miles of Savanna, to be employed in fortifying that town; How these things will end time must reveal—but if we are to be much Longer un-

blessed with an efficient National Government—destitute of funds and without public credit, either at home or abroad, I fear we shall become contemptable even in the Eyes of Savages themselves. I understand that the Legislature of Virginia has recommended a convention, to take into Consideration the new plan of Government; but not to assemble untill May next, and then to adopt it as it is or make alterations, as they may think proper—an alteration respecting the power of regulating Commerce & the construction of the Senate, is their great object. How they will conduct the business of the new Constitution here is difficult to foresee. One thing, however, is observable—that they are remarkably attentive to Military discipline—they have an experienced officer with an handsom salary, constantly employed in training their Militia—and within this City I am informed there is between seven & eight hundred men enrolled, in what they call independant Companies—they are in compleat uniform and well disciplined, being commanded, almost entirely, by Old Continental Officers—these men go up, on Sundays, to the Solemn Temples consecrated to the GOD of peace, with bold presumptuous steps—Martial music—swords and guns as though they were determined to take Heaven by force & arms. I form no opinion of the meaning of these things but submit it to those who are more skilled in the science of war, to determine.

With the most perfect Respect, I have the honor to be, Your Excellency's Most Obedient, Most Humble servant, Nich. Gilman

RC (PHi: Dreer, Federal Convention Collection).

¹ The figure “carried out” should be 166,666.60, not 666,666.60. A copy of this “Schedule” is in PCC, item 141, 1:421.

² The document containing this news, which was also noted by James Madison in a November 1 postscript to his October 24 letter to Thomas Jefferson, is not in the PCC. For the most recent previous report of this general tenor, Gov. George Mathews' August 9 letter to the Georgia delegates, which was read in Congress September 22, see *JCC*, 33:514n; and PCC, item 73, fols. 345–62.

Charles Thomson to the Secretary and Judges of the Northwest Territory

Sir, Office of Secretary of Congress, Novr. 7. 1787

I have the honor to transmit to you herewith enclosed an Extract from the Journal by which you will see that the United States in Congress Assembled have been pleased to appoint you¹

Your Commission is made out and ready to be delivered. Be pleased to accept my congratulations on the occasion.

I am with much respect, Sr, Your Most Obed & Most h S

LB (DNA: PCC, item 18B). Addressed: "Saml. H. Parsons, James M. Varnum, John Armstrong, Winthrop Sarjeant." RC (OHi: Sargent Papers).

¹ Thomson wrote at the foot of this letter: "fill the blanks for the Secy with the words 'Secy. for the territory of the United States North West of the river Ohio,' for the Judges with the words 'One of the Judges in & over the Territory of the United States North West of the river Ohio.'" For the enclosed "Extract from the Journal" for October 5 concerning Winthrop Sargent's appointment as secretary, and for October 16 concerning the election of territorial judges, see *JCC*, 33:610, 686.

James Madison to Ambrose Madison

Dear brother

New York Novr. 8th. 1787.

Having mislaid your last favor, I can not acknowledge it by reference to its date. It contained two requests, the one relating to Mr. House's rule of calculating the weight of the Tobacco; the other to my being a candidate in Orange for the Convention. In answer to the first point I inclose the rule exemplified.¹ If this should not suffice, I will send you a calculation in detail for the whole account. In answer to the second point, I am to observe that it was not my wish to have followed the Act of the General Convention into the Convention of the State; supposing that it would be as well that the final decision thereon should proceed from men who had no hand in preparing and proposing it. As I find however that in all the States the members of the Genl. Convention are becoming members of the State Conventions, as I have been applied to on the subject by sundry very respectable friends, as I have reason to believe that many objections in Virginia proceed from a misconception of the plan, or of the causes which produced the objectionable parts of it; and as my attendance at Philadelphia, may enable me to contribute some explanations and informations which may be of use, I shall not decline the representation of the County if I should be honoured with its appointment. You may let this be known in such way as my father & yourself may judge best. I shall be glad to hear from [you] on the subject, and to know what competition there will probably be and by whom.

As far as present appearances denote, the N. England States, R. Island excepted, will all adopt the new Constitution. N. Jersey certainly will. So will Penna. according to the best opinions, by a very decided majority. I have favorable information also from Maryland; though it is not improbable that the opposition likely to be made in Virginia will have some effect on that side, as well as on the side of N. Carolina, which in general has been said to be well disposed. Like information has been recd. from the two more southern States; but it is too early to pronounce on their disposition. This State (N. York) is much divided. The party in power, are unwilling to surrender any portion of it. The other party is composed of the more respectable citizens, and

is warmly attached to the proposed Constitution. Whatever may be the sence of the Majority the State will scarcely have a will of its own, if New England on one side and N. Jersey & Pena. on the other come heartily into the measure.

A French packet arrived a few days ago; but brings no decisive information concerning the Dutch. It continues to be uncertain what their fate is to be. A war between Russia & Turkey is said to have been declared by the latter. A great change has taken place in the French Ministry. The Parliament lately banished, has got back to Paris, and it is expected that the new taxes against which they remonstrated, will not be enforced. Provincial assemblies are at length established throughout the Kingdom. The Marquis de la Fayette is a leading member of one of them. The Count de Moustier is appointed Minister to the U. States in the place of the Chevalier de la Luzerne, and may soon be expected here.²

I have now given you all the news foreign & domestic, and have only to add my dutiful regards to my father & mother, and to request that I may be properly remembered to all others. Yrs. affectly.,

Js. Madison Jr.

N.B. The Almanack & other papers herewith enclosed are for my father.

RC (NN: James Madison Papers). Madison, *Papers* (Rutland), 10:243–45.

¹ For this "rule," see *ibid.*, 9:296–97.

² From an August 6 letter from Thomas Jefferson, Congress had learned on September 25 that the chevalier de La Luzerne would not be returning to America and that the comte de Montmorin, Vergennes' successor as foreign minister, had promised that a replacement would be sent in October, presumably Éléonor-François-Élie, the marquis de Moustier (1751–1817). Armed with a letter of credence from Louis XVI and letters of introduction supplied by Jefferson, Moustier attempted to sail in October but was delayed for a month in Brest by contrary winds. He arrived in New York on or about January 18 after an arduous voyage of 65 days that severely taxed his health and required several weeks recuperation. See *JCC*, 33:536n; Jefferson, *Papers* (Boyd), 11:694, 12:217–19, 330, 13:175n; and Madison, *Papers* (Rutland), 10:398–99. For Moustier's February 26 reception by Congress, see Paine Wingate to John Sullivan, February 16, 1788. For an appraisal of Moustier's brief mission to America, see Dumas Malone, *Jefferson and the Rights of Man* (Boston: Little, Brown & Co., 1951), pp. 197–98.

Edward Carrington to Thomas Jefferson

Dear Sir,

New York Nov. 10. 1787

Mr. Madison and myself have done ourselves the honor to write you very fully as late as the 23d ult.—but as the Chevalier Jones is but now about to sail in a Merchant Man for Holland, from whence he means to go directly to Paris, I just use this additional opportunity to inclose you the papers from the period of our former letters to this date.

They contain sundry peices upon the subject of the New Constitution, & and will serve to shew you the sentiments of its opponents, but you are not to conclude from the number of them that they shew the general sense of the people. We have learned from Virginia that several men of considerable influence are in the opposition, amongst whom Mr. Henry is numbered. It appears however, by the papers, that the new project is getting much into fashion in that state. Amongst the papers inclosed you will see the issue of several formal assemblies of the people. The legislature have directed that a convention be held in May, for the purpose of, "adopting, amending or rejecting" the proposed Government. The long postponement was occasioned by unfriendly intentions toward it, but I apprehend the rapidity of the movements of the other States in the business, will, by that time, have brought so many into the adoption, that even its enemies will see the *necessity* of joining.

The Chevalier Jones has been detained much longer in America than he expected at his arrival, owing to a deal of perplexities he has met with in the adjustment of his negotiations in France. The Treasury Board had his papers upwards of two months before they reported. They then proposed that the division which had been made of the prize money, by the Court of France, should be reversed as it respected the Commanders of the *Bon homme Richard*, & the *Alliance*, and that they should share upon the common mass of the two ships, instead of each taking upon the mass of his own. This was however disagreed to by Congress, & the division by the court of France confirmed. They also proposed that he should be ordered immediately, to pay up the balance retained by him when he made a payment to you, only deducting 5 per Cent for Com[mission]. This was also disagreed to, & he is allowed still to retain that balance until some future decision shall be made. Some propositions were made which he will shew you with the yeas & nays, from which there results a decided sense of Congress, that he ought to retain so much money on some principle, but it could not be agreed whether it should be paid out of the public treasury or deducted from the property recovered. I own that, to me it appeared probable that the money was necessarily expended, & that it ought to be taken from the property of those in whose service the expence was incurred. Whatever might have been the obligations of the Court of France to pay the money, a long & expensive of attendance was nevertheless necessary to obtain it, &, since it had before been tried by Mr. Barclay without success, it is likely that personal considerations, which applied to Jones alone ensured the success he has met with.¹

You will receive some Resolutions upon the Denmark business which reverse those which formerly established the Chevalier Jones as the agent.² This was occasioned by several considerations. By some

Gentlemen it was thought that the application to that Court involved a complaint of a breach of the Laws of Nations, which required an immediate diplomatic commission—and it having been suggested by the Board of Treasury that the security formerly given by Mr. Jones was somewhat impaired by a reduction of the property of those who were bound with him, it was thought by others that in justice to the people concerned, he ought to be called upon for additional security. Upon the whole it was unanimously thought best to shift the ground upon which the business stood leaving the eventual further employment of the Chevalier to you, who must be the best acquainted with his conduct. I find that this brave, and in my mind, honest, Man has his enemies. These may represent him to you in an injurious light, and the statement I make is just intended to shew you how he really stands with Congress. It is expected that you will employ him if, *you*, do not think him unworthy of being trusted in the business which is to be done. In candor however I must tell you that you will be held accountable for whatever money may be received, but send who you will, I suppose you may draw the money through whatever channel you please so as to keep it out of the hands of the agent, should you not chuse entirely to hazard it in his hands.

We have just received notice from Kentucky that, at a Convention held for the purpose, the people of that district have determined upon their separation from Virga. in conformity to the Act of Fall 1785, and a request is made to Congress for their admission, as a New State into the confederation.³ You have no doubt seen the Act of Virga. The period fixed for the commencement of the separate government is the beginning of 1789.

I have the Honor to be with great sincerity, Yr. affectionate Humble
 Servt.,
 Ed. Carrington

RC (DLC; Jefferson Papers).

¹ For Congress' resolutions on John Paul Jones' prize claims, see Charles Thomson to Jones, October 27.

² For these October 25–26 resolutions, see *JCC*, 33:705–6, 713.

³ Samuel McDowell, president of Kentucky's 5th Convention, had enclosed in a September 25 letter to the Virginia delegates two September 22 resolutions seeking independent statehood and fixing December 31, 1788, as the date of separation under Virginia's second enabling act which required congressional action by July 4. These resolutions were read in Congress on February 29, 1788, when the Virginia delegation moved that Congress approve the compact between Virginia and Kentucky for making that district "a Seperate and Independent Member of the federal Union" and proposed that a committee be appointed to prepare an ordinance to that effect. Congress decided instead to take up the Kentucky resolutions and the Virginia delegates' motion in the committee of the whole on March 4, but it postponed further consideration because of poor attendance until May 30. On June 2 Congress adopted the report of the committee of the whole and appointed a grand committee the following day to report an act for Kentucky independence "in a mode conformable to the Articles of Confederation." When New Hampshire and Virginia became in late June the ninth and tenth states to ratify the Constitution, the grand committee ceased deliberation and asked on

July 2 to be dismissed. John Brown, the Kentucky member of the Virginia delegation, moved immediately that Congress ratify and confirm the Virginia-Kentucky compact and the matter was debated at great length on July 3 when Congress finally resolved "that as the constitution of the United States is now ratified, Congress think it unadvisable to adopt any further measures for admitting the district of Kentucky into the federal Union as an independent member thereof under the Articles of Confederation." It recommended instead that Virginia and Kentucky alter their acts to conform with the statehood provisions of the newly-ratified Constitution and resubmit them in 1789 to the succeeding federal congress. See *JCC*, 34:72-73, 77, 189, 194, 198, 287-94; and *PCC*, item 43, fols. 329-40, item 71, 2:581-87. For this decision and for the furor it created in Kentucky, see Patricia Watlington, *The Partisan Spirit: Kentucky Politics, 1779-1792* (New York: Atheneum, 1972), pp. 129-32, 156-62; and Lowell H. Harrison, *Kentucky's Road to Statehood* (Lexington: University of Kentucky Press, 1992), pp. 55-57, 61-72.

William Grayson to William Short

Dear Sir.

NYork Nov. 10th. 1787.

I have received your favor, for which I am much obliged; the Convention, at Philada. about which I wrote you, have at length produced (contrary to expectation) an entire new constitution; This has put us all in an uproar. Our public papers are full of attacks and justifications of the new system: And if you go into private companies, you hear scarcely any thing else. In the Eastern States the thing is well recieved; the enemies to the Constitution say that this is no wonder, as they have overreached the Southern people so much in its formation. In this State, I believe there is a great majority against it; the reason assigned by its favours is that she derives great advantages by imposing duties on the imports of Jersey & Connecticut. In Jersey, nothing is more popular.

There was something singular in the affair which is that the one was determined to adopt & the other to reject the new constitution before it had made its appearance. In Pensylvania matters are warmly contested by the Republicans and Constitutionalists, but from what I have heard lately I think the former will carry their point; by that I mean that there will be a majority in favor of the new constitution. In Delawar & Maryland I hear of little or no opposition, though in the latter some was expected from Chase & Paca. In Virginia there is a very considerable one; Ben. Harrison, Genl. Nelson, Patrick Henry, Thruston, Zane, Rich. H. Lee, & Co., George Mason, most of the Judges of the Genl. Court cum multis aliis of the inferior flanking parties are inlisted as opponents. Genl. Washington however who is a host within himself is strongly in favor of it, & I am at a loss to determine how the matter will be ultimately closed. As to the two Carolinas & Georgia, I have not yet heard much about them; the general supposition is that it will go down very smoothly in those regions; as to the lat-

ter it is highly probable, as she is at present very much embarrassed with an Indian war, and in great distress; and as she will pay nothing under any government it is very immaterial to her how many changes are effected; this latter observation will apply in a great degree to some of her neighbors.

With respect to my own sentiments I own I have important objections. In the first place I think liberty a thing of too much importance to be trusted on the ground of *implication*: it should rest on principles expressed in the clearest & most unequivocal manner. A bill of rights ought then to have preceded. Tryals by jury should have been expressly reserved in Civil as well as Criminal cases.

The press ought to have been declared free. I think the fœderal Courts in the different states wrong. One Court at the session of Congress with appellative jurisdiction in the cases mentioned in the proposed constitution would have been sufficient.

The representation in the Senate ought to have been in the same proportion as the lower house, except in a few cases merely of a fœderal nature where the little States should be armed with a repulsive quality to preserve their own existence.

The power of regulating commerce by a bare majority and that of taxing will ruin the Southern States; and the proposed method of making treaties, ie, by two thirds of the Senators *present* will be the means of losing the Mississippi for ever. Indeed we have had great difficulty to prevent it from destruction for two years past.

In these & several other instances which I could enumerate, I think the generarility [*sic*] will have too much power, but there are points where I don't think they have power enough. In order to face foreign powers properly & to preserve their treaties & their faith with them, they should have had a negative upon the State laws with sevl other incidental powers. Witht. this I am satisfied the new government if adopted will in a year or two be as contemptible as the present. Upon the whole I look upon the new system as a most ridiculous piece of business—something (*entre nous*) like the legs of Nebuchadnezar's image:¹ It seems to have been formed by jumbling or compressing a number of ideas together, something like the manner in which poems were made in Swift's flying Island.² However bad as it is, I believe it will be crammed down our throats rough & smooth with all it's imperfections: the temper of America is changed beyond conception since you were here, & I believe they were ready to swallow almost any thing.

Mr. Adams has lately been recalled according to his request, and no provision is made for a successor: indeed according to present appearance not even a *Chargè* or agent will be left there. The indisposition of some States to *thank* him had for the moment an injurious effect on the reappointment of Mr. Jefferson: however the thing was got over, &

Mr. Adams returns with the intire *approbation* of Congress. In *general* I think (between you & me) he and his book are thought of nearly in the same manner in this country.³ Nobody is yet appointed to Holland; though Mr. V. B.⁴ feels very uncomfortable on that head. Mr. Gardoqui continues here, but has done nothing, and matters appear at a greater distance than ever.⁵

Since the Convention rose Congress have attended a little to business—& have done something for the credit of the Nation. They have either made or are about making contracts for Western territory which if complied with will have for their object the extinguishment of near six Millions of dolls of the domestic debt. I heartily wish the rage for terra firma may continue here, & that it may also extend itself to Europe. I have often thought something might be done in that quarter—& have frequently though in vain suggested the idea to that caput mortuum of vitriol Congress. They have also done something relative to the settlemt. of the accounts of the different States: an Ordinance is passed constituting a kind of high Court of Chancy. with considerable powers to decide on them in the last resort: The Commrs. however are not yet appointed.⁶ I am now on the point of leaving this, my time by the prest. constitution being expired,⁷ but shall continue to write you from Virga. The delegates for our State for the next year are already appointed. They are Maddisson, Carrington, Harry Lee, Brown of the Senate & Cyrus Griffin: though I dont expect there will be a Congress till Aprill or May next if then: as It is supposed the States who are for the new Constitution will be very slow in sending on their members.

I remain, yr. Affect. frd & hble serv,

Willm. Grayson

NB. Yesterday We had information that Kentucki had had a Convention which have adopted the idea of independance on the terms proposed by Virga. The Delegates are instructed to effect her admission in the Union.⁸

I have a son here abt 14 ys. of age well advanced in Latin, Greek, Mathematics & french, & have some notion in a year or two to send him to France: I wish you would let me know your opinion of instruction in that quarter, & particularly the price. yr. W.G.

Inclosed are the papers of the day. You are nor suppose I mean to reflect on the members of the Convention: I highly respect the chief of them: but they could not act otherwise *so circumstanced*.

RC (DLC: Short Papers).

¹ For the prophet Daniel's interpretation of the "image" that troubled Nebuchadnezzar's dreams—"his thighs of brass. His legs of iron, his feet part of iron, and part of clay"—see the book of Daniel, 2:32–36.

² For Jonathan Swift's description of how poetry was composed at the Academy of Lagado on the "flying Island" of Laputa, see *Gulliver's Travels*, part 3, chapter 5.

³ For Adams' "book," *A Defence of the Constitutions*. . . , see James Madison to Thomas Jefferson, June 6, note 3.

⁴ That is, Dutch minister Pieter Johan van Berckel.

⁵ Carrington is referring to settlement of the Mississippi question.

⁶ For this May 7 ordinance, see *JCC*, 32:262–66.

⁷ According to his letter of December 30 to "Anthony Singleton, Esqr. at the Treasury board in Richmond," Grayson claimed service in Congress from March 2, 1787, until he left New York on November 20, plus travel time to December 17, "when I got home to Dumfries." *Continental Congress Papers*, Vi.

⁸ See the preceding entry, note 3.

Edward Carrington to William Short

My dear Sir

New York Nov. 11. 1787

Mine of yesterday to Mr. Jefferson inclosing sundry news papers contained the best information I was then possessed of respecting the new plan of Government, but I am this morning informed that Mr. E. Gerry one of the deputies from Massachusetts in the late Grand Convention, & who refused to sign the project, has submitted his objections to the legislature of his State in such terms as to work some probable mischief, what will be the extent is not known, but the circumstance occasions alarm to the Friends of the measure¹—as my views are not to give to Mr. Jefferson & yourself my own wishes upon this business, but the best possible information how it is likely to be received in the States, I think it essential that this event be communicated with the intilligence that my other letters contain. You will therefore be good enough to give Mr. Jefferson a sight of this letter.

The Chevalier Jones has met with inconvenience here from his old *Friend* Landais—who persists in his endeavour to dishonor him, but wanting the necessary boldness to face him, he has resorted to falsehood for the accomplishment of his views—he circulated one day in the Coffee House that he had Spit in the Chevaliers face with such confidence that it was believed for several days before (the Chevalier) heard of it—this however has been so well contradicted as to remove every bad effect from the liberal minded—the Chevalier will explain the whole to you and it will be enough for me to say that he cannot give it a fairer appearance than it really bears here. The Vessel is about to sail & I cannot be more full.

Yr. sincerely,

Ed. Carrington

P.S. The inclosed paper contains Gerry's objections.

RC (PHi: Dreer Members of Congress Collection).

¹ For Elbridge Gerry's October 18 letter to the Massachusetts General Court which had been read in the Senate on October 31 and the House on November 2 and published in the *Massachusetts Centinel* on the 3rd, see *Doc. Hist. of Ratif.*, 13:548–50. The let-

ter was reprinted in the next two months in over forty newspapers from New Hampshire to Georgia. See also the point-by-point rebuttal to Gerry's objections prepared by Nathaniel Gorham and Rufus King in *ibid.*, pp. 550–54. Although their response was never published, Gerry's letter was criticized by a half dozen newspaper essayists, among them "Landholder" (Oliver Ellsworth), for whom see *ibid.*, 14:231–35, 334–39, 15:75–79.

James White to Richard Caswell

Sir,

New-York 13th. Novr. 1787

Having recd. the proceeds of your warrant on the treasury for part of my salary during my service in congress for the year now commencing; I thought it an attention to the duty to give an early attendance: accordingly, I was here by the expiration of the late foederal year.

Perhaps it may be proper to mention to your Excellency, that as no official information has been given to congress, by our state, of what appointment she has made in her delegation for this year; the secretary urges me to request that the necessary credentials be transmitted by the first convenient opportunity.¹ As yet no Congress has been formed; So Carolina alone being present.²

While I am writing to your Excellency at a time that all minds, & all conversations are turned towards the interesting question of changing the foederal system it may be expected from every one who is honored with the public confidence to shew some attention to that subject. But the gentlemen of the late delegation are so lately returned, as are also those who assisted at the convention, that I conceive it unnecessary to be very particular. Yet, as those who have been the most conversant with the subject appear to me to be the most convinced of the necessity of an efficient foederal government; I feel myself disposed to remark, that "no system could be framed which a spirit of doubt, & jealousy, might not conceive to be fraught with danger: that this over-cautious temper may be pushed to excess, I think I may be excused if I cite our present confederation in evidence." I must in candor confess, that I have regretted that the proposed constit[u]tion was not more explicit with respect to several essentials: but the great clamor is, that no express provision is made for the **tryal by jury**, and **liberty of the press**; things so interwoven with our political, or legal ideas, that I conceive the sacred immutability of these rights to be such, as never to have occurred as questionable objects to the convention. And can it indeed be supposed, that three distinct branches, originating from, & returning to the people, will combine to invade these inviolable first principles? Or would they expect to do it with im-

punity? The apprehension wears too pusilanimous a complexion. Whatever may be our wish in theory, we find in practice, by our own example, that states in confederacy, like individuals in society, must part with some of their privileges, for the preservation of the rest. In proof of which, it cannot be denied that, for want of attention to, or knowledge of that maxim, these states are now tottering on the brink of anarchy.

Waiting your Excellency's commands, I am your respectful servt.,
James White

RC (PHi: Gratz Collection). Endorsed: "Recd. 26 Nov. R.C. Answd 30 Novr."

¹ For White's credentials, which were recorded by Secretary Charles Thomson when the new Congress finally achieved a quorum January 21, 1788, see *JCC*, 34:7.

² According to Secretary Thomson's journals, Georgia was also represented at this time. *JCC*, 33:715-16.

James White to James Hogg

Sir¹

New-York 17th. Novr. 1787

I applied to the secretary of Congress, respecting Mr. Burkes attendance,² according to your request. He referred me to the journals, &, indeed, turned to them himself as being familiar in the different passages therein. He marked the dates on a bit of paper; & I have sent it to you as he wrote it. I mentioned a *certificate* thereof, in form, to him; but he declined it, alleging the evidence of the printed journal was sufficient.

Any further commands you may have, while I am here, I shall with much pleasure attend to.

By way of news; it is said the prussians are likely to meet with some work in reinstating the stadholder; as a body of french troops are on their way to support the patriotic party.

If it is any wise interesting to you to hear; we expect a french minister will be added to the consul of that nation: accordingly, a count de Motier will shortly come over.³

I am, with much esteem &Ca,

James White

RC (NcU: Hogg Papers).

¹ James Hogg has been identified in these *Letters*, 2:249n.

² That is, Thomas Burke, late North Carolina governor and delegate to Congress, 1777-81.

³ That is, the comte de Moustier, for whom see James Madison to Ambrose Madison, November 8, note 2.

James Madison to Edmund Randolph

My dear friend

N. York, Novr. 18. 1787.

I returned hither yesterday from Philada. to which place I had proceeded under arrangements for either going on to Virginia, or coming back as I might there decide. Your very affectionate favor of the 23d Ult.¹ found me in Philada. after travelling to N. York, and I should have answered it before my return, had any matters for communication occurred worth the expence of postage. I did not make any observations on the scheme mentioned in your letter from Bolling-Green,² because it had an object which I thought it unadvisable to pursue; because I conceived that my opinion had been fully made known on the subject, and I wished not unnecessarily to repeat or dwell on points, on which our ideas do not accord; and because I considered that part of your letter merely as a friendly communication, and a pleasing pledge of your confidence, and not as a subject on which my ideas were wished. So much indeed was this the case, that at the time of answering that letter, I had not considered the expedient, with sufficient accuracy, as a means of attaining the end proposed, to justify any opinion or remarks touching its fitness. The difficulty which struck me on a subsequent attention to it, and which seemed insuperable was that several Legislatures would necessarily have provided for a Convention, and even adjourned before amendatory propositions from Virginia could be transmitted.

I have not since my arrival collected any additional information concerning the progress of the federal Constitution. I discovered no evidence on my journey through N. Jersey, that any opposition whatever would be made in that State. The Convention of Pennsylvania is to meet on Tuesday next. The members returned I was told by several persons, reduced the adoption of the plan in that State to absolute certainty and by a greater majority than the most sanguine advocates had calculated. One of the Counties which had been set down by all on the list of opposition had elected deputies of known attachment to the Constitution.

I inclose herewith sundry letters which came by the French packet just arrived. The letter for Col. N. Lewis, Mr. Jefferson tells me is of great consequence.³ You will have frequent opportunities during the Assembly, of giving it a safe conveyance. I have myself no public information by the packet, and have not yet learnt that any of moment has been received at the office of Foreign Affairs. The intelligence passing in conversation is that the Porte has declared war agst. Russia, that notwithstanding the advance of the Prussian troops into Holland, it is not certain that an accomodation may not prevent actual hostilities, and that in general it remains doubtful whether war or peace in the Western parts of Europe is to result from the present crisis of Affairs.

A great change has taken place again in the French Ministry. The Count de la Luzerne, brother of the Chevalier, succeeds the Marshal de Castries in the department of Marine. The provincial Assemblies throughout are established, and some of them have already met. The Marquis⁴ is a leading member in that of Auvergne. The Parliament is returned to Paris, and it is supposed that the Court will not enforce either the Stamp duty or the territorial impost. The Count de Moutier is appointed Minister to the U. States and may shortly be expected.

I do not find that a single State is represented except Virginia, and it seems very uncertain when a Congress will be made. There are individual members present from several States; and the attendance of this & the neighbouring States, may I suppose be obtained when it will produce a quorum. With the most sincere & invariable affection, I remain my dear friend Yrs.,

Js Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:252-53.

¹ For Randolph's letter of October 29, which he had misdated the 23rd, see *ibid.*, pp. 229-31.

² For this September 30 letter, see *ibid.*, pp. 181-82.

³ Jefferson's September 17 letter to Nicholas Lewis is in Jefferson, *Papers* (Boyd), 12:134-36.

⁴ At a later time Madison added "de lafayette."

James Madison to George Washington

Dear Sir

New York Novr. 18. 1787.

Your favor of the 5th instant¹ found me in Philada. whither I had proceeded, under arrangements for proceeding to Virginia or returning to this place, as I might there decide. I did not acknowledge it in Philada. because I had nothing to communicate, which you would not receive more fully and correctly from the Mr. Morris's who were setting out for Virginia.²

All my informations from Richmond concur in representing the enthusiasm in favor of the new Constitution as subsiding, and giving place to a spirit of criticism. I was fearful of such an event from the influence and co-operation of some of the adversaries. I do not learn however that the cause has lost its majority in the Legislature, and still less among the people at large.

I have nothing to add to the information heretofore given concerning the progress of the Constitution in other States. Mr. Gerry has presented his objections to the Legislature in a letter addressed to them, and signified his readiness if desired to give the particular reasons on which they were founded. The Legislature it seems decline the explanation, either from a supposition that they have nothing further to do in the business, having handed it over to the Convention; or from an

unwillingness to countenance Mr. Gerry's conduct; or from both these considerations. It is supposed that the promulgation of this letter will shake the confidence of some, and embolden the opposition of others in that State; but I cannot discover any ground for distrusting the prompt & decided concurrence of a large majority.³

I inclose herewith the 7 first numbers of the *Federalist*, a paper addressed to the people of this State. They relate entirely to the importance of the Union. If the whole plan should be executed, it will present to the public a full discussion of the merits of the proposed Constitution in all its relations. From the opinion I have formed of the views of a party in Virginia I am inclined to think that the observations on the first branch of the subject may not be superfluous antidotes in that State, any more than in this. If you concur with me, perhaps the papers may be put into the hand of some of your confidential correspondents at Richmond who would have them reprinted there. I will not conceal *from you* that I am likely to have such *a degree* of connection with the publication here, as to afford a restraint of delicacy from interesting myself directly in the republication elsewhere. You will recognize one of the pens concerned in the task. There are three in the whole. A fourth may possibly bear a part.⁴

The intelligence by the packet as far as I have collected it, is contained in the gazette of yesterday.

Virginia is the only State represented as yet. When a Congress will be formed is altogether uncertain. It is not very improbable I think that the interregnum may continue throughout the winter.

With every sentiment of respect & attachment, I remain dear Sir Yr.
Affect. & hble servant, J. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:253–54.

¹ See *ibid.*, pp. 242–43.

² That is, Robert and Gouverneur Morris, who visited Washington at Mount Vernon November 19–21 on their way to Richmond where the two business partners spent seven months attempting “to straighten out difficulties connected with Robert’s contract for a monopoly on the sale of American tobacco to the French Farmers General.” See Washington, *Diaries* (Jackson & Twohig), 5:217–18; and Max M. Mintz, *Gouverneur Morris and the American Revolution* (Norman: University of Oklahoma Press, 1970), p. 205.

³ For Elbridge Gerry’s “objections” to the constitution, see Edward Carrington to William Short, November 11, note.

⁴ The “7 first numbers” of *The Federalist*, written by Alexander Hamilton and John Jay under the pseudonym “Publius,” had appeared between October 27 and November 17 in John McLean’s *Independent Journal* and were reprinted within a day or two in the *New-York Packet* and the *Daily Advertiser*. Addressed to the “People of the State of New-York,” the essays had been conceived by Hamilton and Jay to counteract the numerous articles attacking the proposed constitution that began appearing in New York newspapers in late September. Although no evidence exists of an original plan of authorship or of sub-

jects to be covered, Madison had clearly consented at this point to have "a degree of connection" in the production of an extended series of essays. Of others considered in the project, Gouverneur Morris had already declined, undoubtedly because of his intended business trip to Virginia. William Duer, Hamilton's close friend and secretary of the board of treasury, prepared two or more articles for the series, but they were not adopted, although they were later published under the pseudonym "Philo-Publius." When Jay fell ill in mid-November, Madison suggested that Rufus King participate, but Hamilton demurred. Hamilton and Madison continued the series alone, therefore, with only a late contribution by Jay, and by May 28, 1788, the total number of essays written had reached 85. It has been fairly well established, after decades of scholarly analysis, that Hamilton wrote 51 of the pseudonymous essays (nos. 1, 6-9, 11-13, 15-17, 21-36, 59-61, 65-85), Madison 29 (nos. 10, 14, 18-20, 37-58, 62-63), and Jay 5 (nos. 2-5, 64). For Madison's recollection of the process by which *The Federalist* was created, see "Madison's 'Detached Memoranda,'" ed. by Elizabeth Fleet, *WMQ* 3 (October 1946): 564-68. For detailed discussions of the authorship, publication, distribution, and impact of *The Federalist*, and analyses of the extensive bibliography on the subject, cf. *The Federalist*, ed. Jacob E. Cooke (Middletown, Conn.: Wesleyan University Press, 1961), pp. xi-xxx; Hamilton, *Papers* (Syrett), 4:287-301; Madison, *Papers* (Rutland), 10:259-63; and *Doc. Hist. of Ratif.*, 13:486-94. See also Frederick Mosteller and David L. Wallace, *Applied Bayesian and Classical Inference: The Case of The Federalist Papers* (New York: Springer-Verlag, 1984); and Gottfried Dietze, *The Federalist, a Classic on Federalism and Free Government* (Baltimore: Johns Hopkins University Press, 1960).

Madison had not expected to campaign for ratification of the constitution, but his letters in October to Jefferson, Randolph, and Washington reflect his increasing anxiety that opponents would prejudice the new instrument in the mind of the public before they came fully to understand the dangers inherent in its rejection. By November 8 he wrote to his brother Ambrose that he now felt obligated to attend the Virginia ratifying convention to provide "explanations and informations which may be of use." Hamilton had apparently solicited Madison's participation in *The Federalist* project when he returned from Philadelphia on November 17. Madison's first contribution, the classic *Federalist* no. 10, was published November 22. Unlike Hamilton, who was fully engaged in his law practice, Madison was relatively free to pursue his writing until Congress began to meet regularly in mid-February. He drew heavily on his unmatched notes of debates at the Philadelphia Convention, his "Notes on Ancient and Modern Confederacies" compiled in the spring of 1786 when he was not in Congress (see Madison, *Papers* [Rutland], 9:3-24), and his "Vices of the Political System of the U. States" prepared in anticipation of the Constitutional Convention (see Madison's Notes, April 1787). During this period he also compiled additional memoranda on ancient and modern confederacies on which he drew in preparing nos. 14 and 63 and later in debate at the Virginia ratifying convention. See Madison, *Papers* (Rutland), 10:273-83. Before leaving for Virginia on March 4 to stand for election to that convention, Madison completed 29 essays, all of which appear in *ibid.*, pp. 263ff. He brought to them a profound understanding, intensive analysis, and rare literary skill. The final products belie the haste in which they were composed to meet scheduled deadlines. See Louis C. Schaedler, "James Madison, Literary Craftsman," *WMQ* 3 (October 1946): 515-33; and Fleet, "Madison's 'Detached Memoranda,'" p. 565.

Madison not only sent "the 7 first numbers" to Washington this day for "republication elsewhere," but enclosed nos. 8-14, which concluded "the first branch of the subject, the importance of the Union," in his letter of November 30. He also included the next eight essays in his letters of December 7 and 14. For the publication of the earliest essays of *The Federalist* in Virginia, see *Doc. Hist. of Ratif.*, 13:490-91.

Edward Carrington to the Board of Treasury

Gentlemen,

New York Nov. 20. 1787.

When the Southern Army was disbanded in the year 1783, the public property which had been annexed to it, was, from the particular circumstances of the Country, sold upon Credit, and bonds were taken for the proceeds payable on the 1st of January 1784. This mode of sale was adopted by the advice of Genl Greene, & afterwards approved of by Mr. Morris & Colo. Pickering¹—a part of the money was collected before I left the country upon a discount which I allowed for prompt payment, but there still remained unpaid upwards of 20,000 dollars upon Bonds which I left in the hands of Mr. Hext McCall Attorney at Law, to be collected by him.² After my return to Virginia, agreeably to the orders of Colo. Pickering, I made a Return of the debts due from the department under my direction as far they had then been adjusted, and the probable amount of what remained to be adjusted, for the payment whereof, the proceeds of these Sales, with an addition of 25,000 dollars to be received from Mr. Webb, then receiver for Virginia, were appropriated in my hands. Colo. Pickering & myself have proceeded in the discharge of the debts as far as they have been demanded by the holders of the Vouchers, and are all proceeding, but there still remains due 18,567 29/90ths dollars, as by the Return enclosed. It is also accompanied with the present state of the funds ap[ro]priated.

The purpose of this address to your honorable Board is to obtain your opinions as to the most prudent course to be pursued for completing the collection of the debts still remaining due to the department upon the sales in South Carolina. Mr. McCall's collections have hitherto amounted, as by a late return, to only 8,699 26/90ths dollars; and there is no prospect of his adding to the sum in any considerable degree, unless he is permitted to receive paper money. The paper money as well as instalment Acts, of South Carolina, are already known to your honorable Board and need not be detailed by me. We have but a choice of submitting to the effects of both, or declining to prosecute the claims, and it remains only to be decided which alternative to take. The first may be a means of bringing the business to a close, probably, in the course of three years, with some loss upon the paper money received. The other will occasion it to remain open for many years and in that time the loss by insolvencies may amount to much more than would be sustained in the paper money. Upon these considerations it appears to me that it would be best, to instruct Mr. McCall to proceed, under the existing Laws, to effect the recovery of the debts, and that the paper money which may be received in the operation, be converted into specie, by exchanging it at a discount, or purchasing produce & shipping it to this City or Philada. to be sold, as

may from time to time, seem best for realizing the proceeds of the collections, on the Acct. of the public. But notwithstanding my perfect conviction that this will be the most advantageous mode of proceeding in the business, yet I wish to have it in some measure sanctioned by the advice or approbation of your honorable Board, and should you agree with me in opinion you will very much oblige me, by signifying it in writing. For your better information as to the present State of the paper money I do myself the honor to inclose Mr. McCall's letter upon the subject dated as late as 19th Ult.³ He will be left at liberty to vary his conduct with any change of circumstance.

I have honor to be, Gentlemen, your Most Obedient Servt.,
Ed. Carrington.

Late D QMr.

RC (Donaldson, Lufkin & Jenrette, New York, N.Y., 1975).

¹ That is, Robert Morris, then superintendent of finance, and Col. Timothy Pickering, quartermaster general of the Continental Army. Carrington had been deputy quartermaster general on Nathanael Greene's staff in the southern department.

² Hext McCall had also been appointed South Carolina Register in Chancery on May 16, 1783. See *Journals of the Privy Council, 1783-1789*, ed. by Adele Stanton Edwards (Columbia: University of South Carolina Press, 1971), p. 35.

³ Not in PCC.

Nicholas Gilman to William Irvine

Dear Sir

New York November 20th 1787

I am honor'd with your obliging favor of the 9th instant and am very happy to hear there is so great a probability of the adoption of the new Constitution in your State. The Legislature of New Hampshire are called together on the occasion and I believe there is no reason to doubt of its being adopted in that State—it will go a little harder in Massachusetts but will finally succeed. I have seen a list of the Members chosen for the Convention in Connecticut and there appears to be a very large majority who are known to be in favor of the new p[lan?].

Of Congress there is present Massachusetts, New Jersey, Virginia and South Carolina and from New Hampre. your humble servant—from North Carolina Mr. White and from Georgia Mr. Baldwin.¹ I expect a Colleague in a few days. Dr Johnson informs me that delegates of Connecticut will attend so that if Pennsylvania comes on we may have a Congress at once.² I am very happy to hear you are in the delegation and promise myself the pleasure of seeing you soon in New York, in the mean time and at all times I am with great Respect and Esteem, Dear sir, Your Most Obedient and Humble servant,

N. Gilman

RC (PHi: Dreer, Members of Congress Collection).

¹ Cf., *JCC*, 33:715–16.

² Nevertheless, the new Congress did not convene a quorum until January 21.

Nicholas Gilman to John Langdon

Dear Sir

New York November 21st. 1787

I am honored with your obliging favor of the 6th instant and am very sorry to find that Mrs. Langdon's influence falls so far short of what the established etiquett of Courts require; but still hope she will prevail at last; it being a decided point that there is no law in the new Code of modern gallantry that can justify your non compliance with the reasonable desires of your Lady. I am really sorry you are not on your way hither—especially as there is a prospect of our making a Congress soon. There are four States (Massachusetts, New Jersey, Virginia & South Carolina) present—and one member from Georgia, North Carolina and Pennsylvania. Genl. Irvine writes me that he shall soon be here and Doctor Johnson informs me that the Delegates of Connecticut were ready to set off when he left the State: so that as soon as your humble servant has a Colleague there may be a Congress. I hope our State will soon be represented for several reasons, but especially as the delegates of other States complain of the delinquency of New Hampshire in this particular.¹

It is reported about Town that your honor is to be the president—and are you determined Sir, to disappoint the whole City? and, what is infinitely more, your dear Betsey into the bargain—for the sake of making additions to an estate swelled already so far beyond what necessity and comfort require? I hope not, and flatter my self with the expectation of seeing you here the beginning of next month: but should you at last (in repugnance to the wishes of your friends) determine not to come on your self—I must beg you to urge Mr. Wingate to set off without loss of time—and that you will be good enough to urge the Legislature to make some sort of provision for our support.

I beg leave to return my most grateful Acknowledgments to Mrs. Langdon for her kind wishes—and hope she will gratify me and many others in this place with an opportunity of testifying our respects in a more pleasing form. In the mean time and at all times I am, with the greatest Respect & Esteem, Dear Sir, Your Most Obedient & Most Humble servant,

Nich. Gilman.

RC (NhHi: Langdon-Elwyn Family Papers).

¹ See Gilman to Langdon, October 23, note.

Virginia Delegates to Edmund Randolph

Sir,

New York Nov. 22. 1787

We do ourselves the honor to communicate to your Excellency the European intelligence which we have received to the 22d of September by the last French packet.

The Affairs of Holland were at that time in a gloomy state as they respected the Patriots, and it is to be apprehended that before this, they must have been brought to a serious issue: it appears hardly possible that the event can be any thing short of a perfect disappointment of the views of that party. The King of Prussia, urged by England, and incensed by the indignity alledged to have been offered to his Sister, has sent 30,000 Troops into these provinces. This formidable Army, Commanded by the Duke of Brunswic, made its invasion, on the 15th of September, and by the 22d had obtained possession, against little or no opposition, of Utrecht and all the other places which had made an appearance of opposing the Stadtholder, except Amsterdam. This City is saved, for the present, by the inundation of the Country between it and the Enemy. The Patriots have no foreign Aid to expect but from France; she is by no means in a situation to engage two such powers as England & Prussia in their behalf, and a late event still adds to her embarrassments—This is a declaration of War by the Porte against Russia. As the powers now stand arranged, with a view to this War, the Parties are Turkey & France (perhaps Spain also) against Russia, the Emperor of Germany, Prussia & England: the inequality is so striking, that it would seem madness in France to proceed in it. She might plunge herself into Ruin in an attempt to support the Turks, and must still, eventually, leave them to their fate; in this State of things it might not be difficult for her to determine what conduct to observe were she left to decide entirely with a view to her own present circumstances, but it is not unlikely that the great ascendancy which, one of the parties in the War, are about to possess, will excite such apprehensions in this Court, that she will not be content with barely withdrawing from it. The balance of powers, so essential to the tranquillity and safety of Europe, will be destroyed, and this she will not suffer to take place if she can by any means prevent it. Her only resort must be to such negotiations as may eventually place her in alliance with some, against others, of the powers at present concerned on the other side; the probability is, that in such event, she will be connected with the two Empires, and, consequently, be placed in the scale opposite to the Porte; in short, it must lead to an entire change of the System of Europe. In any event it appears that an extensive and bloody Continental War is inevitable, which will press hard upon the Turks, and may, eventually, drive them out of Europe.

Should the changes here suggested take place by an early period, the Patriotic Party in Holland may possibly derive advantages from them. France will in every situation continue their Freind, and will not fail to exhibit proof of it whenever she can with effect.

It appears that the Emperor will carry into effect his new arrangements in Brabant; He has contrived to amuse his discontented subjects with pretended negotiations until he has established amongst them a sufficient force to compel them to compliance.

France is again in a State of tranquillity—The Parliaments have made such firm opposition against the Stamp-Act and territorial impost, that the King has suspended his efforts to carry them into effect, which is understood as an entire relinquishment. The Parliament of Paris, which was banished to Troyes, is recalled. The Provincial Assemblies are established as recommended by the Notables. Our Freind, the Marquis de la Fayette, is in Auvergne, and a principal Member in the Assembly of that province. This Nobleman is high in the estimation of his Country, and appears to be inspiring all orders of it, with those principles of liberty and equality which, though the growth of his own mind, have been confirmed in the American School. The Revenues of this Kingdom will be greatly increased by a more equal administration of the old system, than was formerly made. The property of the Nobles and Clergy, which were nearly exempted, will now be brought to Contribute to the support of the public burthens. This reform with reductions in the expenditures of the public money, it is hoped, will provide for the relief of our good Ally from the difficulties which now press her. It is much to be regretted that in this hour of her distress the American debt can not be paid.

The French Cabinet has undergone nearly an entire change—the Archbishop of Toulouse being made prime-Minister, the Marechals of Castries & Segur, Ministers of the Marine & War departments have resigned. To the first the Count de la Lucerne (Brother of the late Minister in America), and to the latter Monsr. de Brienne have succeeded. The department of Controul has had a very rapid succession of Tenants—from Mr. Calonne it passed to Mr. de Fourqueux, from him to Villedeuil, & from him to Lambert who holds it at present. Great changes have also taken place in the foreign appointments. The Count de Moustier is to come to America, and the Chevalier de la lucerne, it is supposed, will go to London—& Mr. de St. Preist is sent to Holland in place of Mr. de Verac.

We have the honor to be, with the highest respect, Your Excellencies Most Obedt. Servts.,

Js. Madison Jr

Ed. Carrington

James Madison to Archibald Stuart

Dear Sir

N. York. Novr. 25. [17]87.

I have recd. your favor of the 9th instant and thank you for its Communications.¹ I am sorry that I have none to make in return, no occurrences of moment having arrived since my last. The Pennsylvania Convention was to meet on Tuesday last, but I have heard nothing from that quarter. The election in Connecticut is over and the Returns it is said by those who the members & their characters, reduce the adoption of the Constitution in that State, to certainty. We have no Congress yet. Col. Carringt[on] tells me he has sent you the papers you request up to the date of his letter. I add those which have since appeared.

With much esteem & regd. I remain Yr. Obedt. servt.,

Js. Madison Jr.

RC (PWacD: Feinstone Collection). Madison, *Papers* (Rutland), 10:270–71.

¹ See *ibid.*, pp. 245–46.

Edward Carrington to Alexander Donald

My dear Sir,¹

New York Nov. 26. 1787

I am to acknowledge the receipt of the letter you did me the honor to write from Philadelphia—also that from Richmond inclosing two to be sent by the English packet. These were put into the mail, and I suppose are by this time nearly at their ports of destination. I am happy to find you have safely arrived in Richmond after the various hazards you encountered while in, & after you left, N. York—that near Princeton must have been alarming as well as mortifying. I know of nothing that so disconcerts a young man, as to be brought up by the heels in cutting a Caper—in this I have no direct allusion to the catastrophe near Princeton, but it directly applies to your good Freind Sir Jno. Temple, who upon that very day you left this City, and a few minutes after his interview with you at No. 19 Maiden lane was laid at full length upon the ground, in the Act of walking in the Train of the Governor, when he was reviewing the Troops. I would not mention this circumstance to any but a particular freind of the Baronets for the world—you will doubtless sympathize with him.

Your Freinds in N. York often enquire after you with great goodness. Mrs. Colden, Miss Van Berkel and several others on whose minds you have left, at least, favorable impressions frequently regret your departure—but to pass from great things to small, by the last intelligence from Europe we have reason to suspect that the Patriots in Hol-

land are in a bad way. The Princess of Orange has done more service to her husband than it is usual for married men to experience, the interruption given her in her passage to the Hague sometime ago, has so incensed her Brother the King of Prussia, as to bring him into more rapid & vigorous movements agst. the Patriots than he probably would have made. The duke of Brunswic at the head of 30,000 Prussian Troops has invaded the United Netherlands and is master of almost every place that was in a posture of opposition to the Stadtholder—indeed Amsterdam stands alone, & that City is saved, for the present, only by the inundation of the surrounding Country. France cannot assist the Patriotic Party. Terminate this business how it will, there must still be an extensive & bloody Continental War—the Porte has declared War against Russia, and as the powers now stand arranged it is likely that the flame will communicate itself throughout.

The Constitution proposed for the Government of the United States is going on Well in the Eastern States, and as far as the Middle states have acted at all, their conduct is favorable.

Present me to our Amiable Freind Mrs. Brent and all our other acquaintances, and believe me to be with great regard, Your sincere freind & Humble servt.,
Ed. Carrington

RC (NN: Stauffer Collection).

¹ Alexander Donald, an associate of the London mercantile firm of (Robert) Burton & Donald, was a Richmond tobacco and wheat merchant and agent for Robert Morris in fulfilling his contract with the French Farmers General. He had become a Virginia citizen and an intimate of Thomas Jefferson and other Virginians before the war, but had apparently returned to Great Britain and did not resume his American career until 1786–87. In reestablishing his Virginia connections, Donald visited Washington at Mount Vernon in early October 1787 and observed that “I never saw him so keen for any thing in my life as he is for the adoption of the new Form of Government.” See Jefferson, *Papers* (Boyd), 11:193–94, 632–33, 12:132–34, 344–48; and Washington, *Diaries* (Jackson & Twohig), 4:103, 5:190.

Samuel A. Otis to James Warren

Dear Sir¹

New York 27 Novr. 1787

You will about this period agreeably to my promise, expect a letter, and as I have engaged also to write Sister Warren, being under the operations of a very unfertile brain, I must preface by asking your influence, to construe my communications to you, so, as that they may be considered as made to you both, Being in the full perswasion that any thing worthy the attention of either, may with propriety be addressed to both. Having never before been in N York your first enquiry may be, how I like the City; To which I reply that I think the inhabitants of one great City, pretty much like those of another, The polished people

have the same views of amusement & ostentation everywhere, The Commercial people the same eager grasp at property & accumulation, The Inference then is not unnatural, that liking Boston, I have no prejudice against N York. Indeed I never have seen the place where, if I had my family with me and they were tollerably happy, I could not make life tollerably agreeable; And I am fully convinced without the pleasure of domestic life, Tis no boon, And changing air & Climate, is only changing misery. But viewing myself from the necessity of my affairs, an *honorable* exile, I am resolved to submit without a murmur. I will not however preclude one observation as true as the oracles of religion, That I had rather plow up a wholesome subsistence upon the highlands of Milton, if that could be done in Character, than subsist upon all the Luxuries of the South, secluded from my family. But I wont repine.

Your next probable question will be how go you on in Congress? To which I reply there is no Congress, Nor like to be before Xmas. New Hampshire Mr. Gilman, Massachusetts is represented, Connecticut have chosen but not here, R Island dont know whether chosen or not, N York dont chuse until the next month, N Jersey have no acct of, Pensilvania have chosen and only one Member G Armstrong present, Maryland No Members here, Virginia represented by Mr. Carrington, and Mr. Maddison, Delaware, N & S Carolina & Georgia not represented. Indeed I think some states either from a zeal for New Government, Or indifferent about a longer Confederation upon any plan, voluntarily negle[c]t sending on their Members—but this upon every principle is wrong. If the confederation ceases, puissant as any state may feel itself, I think its independence is at an end. If they prefer the Confederation upon the old, or rather present, plan they certainly ought to keep up their representation, And if they are zealous for the *new plan*, They ought to send their delegates to prepare the way, & I had like to have said make the path straight before it. But I have no expectation of a speedy adoption of the *New System*. Newhamshr I can give no acct of, Massachusetts & R Island *No*, Connecticut *Yea*, N York *No*, N Jersey doubt, Pensilvania & Delaware *Yea*, Maryland & Virginia *No*, No & So Carolina *Yea*, Georgia *No*, at least these are my probable conjectures upon each state from present appearances. Virginia have not even called a Convention until May, And will the United states be content with an absolute suspension of Government until after May? My present opinion is that the executives of such governments as are represented, should remonstrate where the legislatures are not setting. For no man with a spark of national pride, Sure no man who is ostensible in the public line, but must feel mortified at the derangement of our public affairs.

Seing your Name anounced as the Land Officer of the western Territory² led me to make some conversation with Govr Clinton upon the

subject, Who has been upon the Ground. He thinks we did wrong in not sending Commissioners with the Governors of the two States at the head of the Commission. His reasons are that Interested people have endeavored to impress the Indians with unfavorable Ideas of the Bostonians including N Englanders under that Idea, That our Govr &c going into treaty would have effaced these Ideas, And the Two Executives appearing in Concert would have looked as if they viewed the business in a very important point of light, And would have induced Brant & the Lessees as well as the Indians that those *Leases* were of no avail, Whereas now the Combination will grow more powerful by delay, and give ultimately great charge & trouble. He thinks also it will be our best pollicy to sell only a part at present, as the Indians will sell a part for a moderate compensation but will be alarmed, & Confirmed in their Jealousies if an attempt be made to purchase the whole. By the way, it was reported when I was in Boston that N York was selling @ 3/ facilities inclusive of Indian claims, But this is not true, but that the Yorkers sold their lands at least what they have sold, for three shillings an acre, after they had extinguished the Claims is the fact. I suspect this report sprang from Browne & associates. Upon the whole I find should you proceed to sell withot extinguishing the Indian Claims, the purchasers under that incumbrance would be likely to cheat the Indians, And the York Governmt are or pretend to be justly alarmed least the angry Savage should revenge upon their frontiers the loss of his own acres.

These observations may all be the result of N York policy, for they are by no means deficient in matters of land, You will however give them what attention they merit.

I have conversed only partially with the Tresury Board upon your accts,³ And think however no time is lost, And rely upon my attention as oppy offers.

The expectation here is of a war between France & England, but their immense debt & deranged finances make me doubtful, nor do I think great advantages will result to America should it take place.

Love to sister & the family. Conclude yrs Sam A Otis

[P.S.] Pray write me all the news, the Speculations upon important incidents, Upon Constitution &c but above all your own reasonings upon things as they occur.

RC (MHi: Mercy Warren Papers). Addressed: "The Honorable James Warren Esqr, Milton."

¹ Warren, who was married to Otis' sister Mercy, was at this time speaker of the Massachusetts House of Representatives.

² The November 19 issue of Benjamin Edes' *Boston Gazette* announced that Warren had been "appointed Commissioner for disposing of the Western lands of this Commonwealth."

³ Warren's memorial "respecting the settlement of his accounts with the Commercial Committee" had originally been referred to a committee December 8, 1784, which rec-

ommended that the accounts be referred to the board of treasury to report, a recommendation endorsed by Congress February 18, 1785. The board's report was eventually transmitted to Congress March 22, 1786, and subsequently referred back to the board April 25, 1787, but the surviving records do not indicate the final disposition of Warren's claim. See *JCC*, 27:672, 28:35, 85, 32:241n, 33:748; and PCC, item 140, 1:123–24.

Charles Thomson to the States

Sir Circular Office of Secretary of Congress, Novr. 28th. 1787.

I have the honor to transmit to Your Excy. herewith enclosed two sets of the Journals of Congress for last Year, and two copies of the continuation from the 20th Sept to the first Monday of the present month to compleat these already sent.

I am sorry to inform You that a sufficient number of States have not yet Assembled to proceed to business,¹ and that Your State is one of those unrepresented.²

I am sensible the attention of the public is principally turned to the new Constitution proposed by the late Convention; but when Your Excellency considers the situation of Affairs both abroad and at home, that the flames of War seem to be kindling in Europe & may reach our borders, that our peace with the western & southern Indians is in a very precarious situation, & our frontier settlements in imminent danger; and when You are farther informed that a public Minister is daily expected to arrive here from France, I humbly hope Your Exy. will agree with me in opinion that the honor & the Interest of the confederacy require a speedy & constant representation in Congress, and that You will use your endeavors to forward Delegates from Your State as speedily as possible.

With great respect, &

LB (DNA: PCC, item 18B).

¹ Thomson's letterbook indicates that this much of this letter was sent "To the States Massachusetts, New Jersey, Virginia, & South Carolina," and that the continuation went "to the other States."

² For the few delegates who had arrived since November 5 when the new Congress was scheduled to convene, see *JCC*, 33:715–16.

Massachusetts Delegates to Alexander Hodgdon

Dear Sir

N York 29th Novr 1787

Inclosed is Copy of your brothers to us, by which you find no dependance can be made upon funds in his hands, And as we are Strangers here & at daily great expence, we rely upon your taking

such measures as will free us from embarrassment, & our Country from disgrace. We cannot but feel mortif[i]ed at the Gentlemen from the Southward receiving six dollars the day, and quarterly remittance in Specie, whilst we are soliciting only sufficient to enable us to pay our board. We trust that solicitation will not be in vain.

Relying upon your speedy permission to draw for one hundred pounds each, At least for the £50 each, directed to borrow, We are with great esteem, Your most huml Sevts, Sam. A. Otis

George Thatcher

RC (PHC: Roberts Autograph Collection). Addressed: "Alexander Hodgdon Esqr, Treasurer of The Commonwealth Massts, Boston." Written by Samuel A. Otis and signed by Otis and George Thatcher.

James Madison to George Washington

Dear Sir

N. York Novr. 20. [30] 1787.¹

My last inclosed the seven first numbers of the paper of which I gave you some account.² I now add the seven following numbers, which close the first branch of the subject, the importance of the Union. The succeeding papers shall be forwarded from time to time as they come out.

The latest authentic information from Europe, places the Dutch in a wretched situation. The patriots will probably depend in the event on external politics for the degree of security and power that may be left them. The Turks & Russians have begun a war in that quarter. And a general one is not improbable.

I have heard nothing of consequence lately concerning the progress of the New Constitution. The Pennsylvania Convention has probably by this time come to a decision; but it is not known here.

Not more than two or three States are yet convened. The prospect of a quorum during the winter continues precarious.

With every sentiment of respect & attachment I remain, Dear Sir,
Yr. Affect. humble servt.,

Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:283–84.

¹ Although Madison clearly wrote "Novr. 20," internal evidence indicates that it was written on the 30th; the last of "the seven following numbers" of *The Federalist* essays which he enclosed (nos. 8–14) did not appear in the *New-York Packet* until November 30; and the Pennsylvania Convention mentioned in the third paragraph had not convened until November 21 and could not therefore have "come to a decision."

² See Madison to Washington, November 18, note 4.

Dyre Kearny to Charles Thomson

Sir,

Dover. December 1st. 1787.

Under the Idea that from the present peculiar State of the Union, a Congress will be assembled this Year Sooner than usual, I have the honor of addressing You to request information of what States are now attendant at New York.

I find by the Papers that most of the States have proceeded to the respective Appointments of their Delegates as usual. Among others Our Legislature in the early part of last Month appointed Mr. Mitchell, Mr. Grantham and myself.¹

As tis neither my Wish nor intention to proceed to New York till there be either a Congress formed or a probability of Speedy One Upon Arrival of our State, I have to request You would notify Me when Our Attendance may become necessary. A Line in immediate answer on this Subject, will much Gratify Me. You will be good enough to address to Me at Dover—to the Care of Jacob Broom Esqr. Wilmington who will forward it to Me.

I have the honor to be, With the highest respect, Your Most Obedt Serv,
Dyre Kearny

RC (DNA: PCC, item 78).

¹ Kearny, Nathaniel Mitchell, and Isaac Grantham were elected Delaware delegates to Congress on November 10; and Kearny and Mitchell were in attendance when Congress finally convened a quorum on January 21, 1788. See *JCC*, 34:1, 5. Grantham never attended Congress.

James Madison to Edmund Randolph

My dear friend

New York Decr. 2d. 1787.

The period since my last¹ has been so unfruitful of occurrences that I have not thought it worth while to trouble you with a letter and I do it now more to prevent too long a chasm, than for the sake of any interesting communication. Our public letter gave you the latest authentic information from Europe.² A general war seems not improbable; a war between the Turks & Russians has actually commenced. The enterprising movements of the Prussian troops have disconcerted the patriotic party & their supporters, and it seems as if the Stadtholder would gain a compleat triumph. What effect this may have on the Government of that Country I can not undertake to foretell. I have never been inclined to think that compleat success to the views of either party would be favorable to the people. If the Stadtholdership

were abolished, the Government unless further changes concurred, would be a simple aristocracy. Should the patriots as they call themselves be excluded from the Govt. the Stadtholder would be an absolute Monarch. Whilst both continue they check each other, which is absolutely necessary as the people have no check on either. The consequence of the people arises from the competitions of the two for their favor. In general the lower order have been partizans of the Stadtholder. They are so it is said in the present contest.

A British packet arrived here a few days ago but does not bring later information than the last one from France. She has had a long voyage and called in at Halifax, a circumstance which some connect with the probability of a war.

We have not more than two or three States as yet attending. It is altogether conjectural when the deficiency of a quorum will be made up.

No recent indications of the views of the States as to the Constitution have come to my knowledge. The elections in Connecticut are over and as far as the returns are known, a large majority are friendly to it. Doctr. Johnson says, it will be pretty certainly adopted; but there will be opposition. The power of taxing any thing but imports appears to be the most popular topic among the adversaries. The Convention of Pennsylvania is sitting. The result there will not reach you first through my hands. The divisions on preparatory questions, as they are published in the Newspapers, shew that the party in favor of the Constitution have 44 or 45 vs. 22 or 24 or thereabouts.³

The inclosed paper contains two numbers of the Federalist.⁴ This paper was begun about three weeks ago, and proposes to go through the subject. I have not been able to collect all the numbers, since my return from Philada. or I would have sent them to you. I have been the less anxious as I understand the Printer means to make a pamphlet of them, when I can give them to you in a more convenient form. You will probably discover marks of different {pens}.⁵ I {am not at liberty} to {give you any} other {key} than that I {am in myself for a few numbers} & that {one besides myself} was a {member} of {the Convention}.⁶ I wish you all happiness and remain my dear Sir, Yr. affecte. friend,

Js. Madison Jr.

RC (DLC: Madison papers). Madison, *Papers* (Rutland), 10:289–90.

¹ That is, his letter of November 18.

² See Virginia Delegates to Randolph, November 22.

³ On November 26 Thomas McKean had moved that the convention “now proceed to Consider the Constitution referred to their consideration, hy articles.” Robert Whitehill offered instead a substitute motion “that this Convention resolve itself into a committee of the whole for the purpose of investigating and considering the aforesaid Constitution” which was defeated by a vote of 44 to 24. See *Doc. Hist. of Ratif.*, 2:364–65.

⁴ It is not known which “two numbers” Madison enclosed; nos. 1–15 had been published from October 27 through December 1. See *ibid.*, 14:324.

⁵ Words printed in braces in this text were written by Madison in cipher.

⁶ That is, Alexander Hamilton. See Madison to Washington, November 18, note 4.

James Madison to George Washington

Dear Sir

New York Decr. 7. 1787

My last inclosed a continuation of the *Fœderalist* to number 14 inclusive. I now add the numbers which have succeeded.¹

No authentic information has yet arrived concerning the posture of Europe. Reports with some less doubtful symtoms, countenance the suspicions of war.

I understand that the Constitution will certainly be adopted in Connecticut; the returns of the deputies being now known, and a very great majority found to be its declared and firm friends. There will be more opposition in Massachusetts, but its friends there continue to be very sanguine of victory. N Hampshire, as far as I can learn, may be set down, on the right list. I remain Dear Sir, with the highest respect and the most unfeigned attachment Your Obedient humble servant,

Js. Madison Jr

RC (PHi); reprinted from Madison, *Papers* (Rutland), 10:295.

¹ That is, nos. 15–18, the essays that had been printed since Madison wrote Washington on November 30.

James Madison to Thomas Jefferson

Dear Sir

New York. Decr. 9th. 1787.

Your favour of the 17th of Sepr. with sundry other letters and packets, came duly by the last packet.¹ Such of them as were addressed to others, were duly forwarded. The three Boxes, marked IM, G.W. and AD, it appears were never shipped from Havre.² Whenever they arrive your commands with regard to the two last shall be attended to, as well as those relating to some of the contents of the first. I have not been able to get any satisfactory account of Willm. S. Browne. Alderman Broom tells me that he professed to receive the money from him, for the use of Mr. Burke. I shall not lose sight of the subject, and will give you the earliest information of the result of my enquiries. The annexed list of trees will shew you that I have ventured to substitute half a dozen sorts of apples in place of the pippins alone, and to add 8 other sorts of American trees, including 20 of the Sugar maple. They were obtained from a Mr. Prince in the neighbourhood of this City, who deals largely in this way, and is considered as a man of worth. I learn from him that he has executed various commissions from Europe & the West Indies, as well as places less distant; and that he has been generally very successful in preserving the trees from perishing by such distant transplantations. He does not use Moss as you pre-

scribe but incloses the roots in a bag of earth. As moss is not [to] be got, as he says, it is uncertain whether necessity or choice gives the preference to the latter. I inclose a Catalogue of his nursery and annex the price of the sample I send you, that you may, if you incline, give orders for any other supply. I doubt whether the Virga. Red Birds are found in this part of America. Opossums are not rare in the milder parts of New Jersey, but are very rare thus far Northward. I shall nevertheless avail myself of any opportunities which may happen for procuring and forwarding both. Along with the Box of trees, I send by the Packet to the care of Mr. Limozin 2 Barrels of New Town pippins, and 2 of Cranberrys. In one of the latter the Cranberries are put up dry, in the other in water; the opinions and accounts differing as to the best mode. You will note the event of the experiment.

The Constitution proposed by the late Convention engrosses almost the whole political attention of America. All the Legislatures, except that of R. Island, which have been assembled, have agreed in submitting it to State Conventions. Virginia has set the example of opening a door for amendments, if the Convention there should chuse to propose them. Maryland has copied it. The States which preceded, referred the Constitution as recommended by the Genl. Convention, to be ratified or rejected as it stands. The Convention of Pennsylvania, is now sitting. There are about 44 or 45, on the affirmative and about half that number on the opposite side;³ A considerable number of the Constitutional party as it was called, having joined the other party in espousing the federal Constitution. The returns of deputies for the Convention of Connecticut are known, and prove, as is said by those who know the men that a very great majority will adopt it in that State. The event in Massachusetts lies in greater uncertainty. The friends of the New Govt. continue to be sanguine. N. Hampshire from every account, as well as from some general inducements felt there will pretty certainly be on the affirmative side. So will New Jersey and Delaware. N. York is much divided. She will hardly dissent from N. England, particularly if the conduct of the latter should coincide with that of N. Jersey and Pennsylvia. A more formidable opposition is likely to be made in Maryland than was at first conjectured. Mr. Mercer, it seems, who was a member of the Convention, though his attendance was but for a short time, is become an auxiliary to Chace. Johnson, the Carrolls, Govr. Lee, and most of the other characters of weight are on the other side. Mr. T. Stone died a little before the Govermt. was promulged. The body of the people in Virginia. particularly in the upper and lower Country, and in the Northern neck, are as far as I can gather, much disposed to adopt the new Constitution. The middle Country, and the South side of James River are principally in the opposition to it. As yet a large majority of the people are under the first description, As yet also are a majority of the Assembly. What change

may be produced by the united influence & exertions of Mr. Henry, Mr. Mason, & the Governor with some pretty able auxiliaries, is uncertain. My information leads me to suppose there must be three parties in Virginia. The first for adopting without attempting Amendments. This includes Genl. W—— and the other deputies who signed the Constitution, Mr. Pendleton—(Mr. Marshal I believe)—Mr. Nicholas—Mr. Corbin, Mr. Zachy. Johnson, Col. Innis, (Mr. B. Randolph as I understand) Mr. Harvey, Mr. Gabl. Jones, Doctr. Jones—&c &c. At the head of the 2d party which urges amendments are the Govr. & Mr. Mason. These do not object to the substance of the Govrnt. but contend for a few additional Guards in favor of the Rights of the States and of the people. I am not able to enumerate the characters which fall in with their ideas, as distinguished from those of a third Class, at the head of which is Mr. Henry. This class concurs at present with the patrons of Amendments, but will probably contend for such as strike at the essence of the System, and must lead to an adherence to the principle of the existing Confederation, which most thinking men are convinced is a visionary one, or to a partition of the Union into several Confederacies. Mr. Harrison the late Govr. is with Mr. Henry. So are a number of others. The General & Admiralty Courts with most of the Bar, oppose the Constitution, but on what particular grounds I am unable to say. Genl. Nelson, Mr. Jno. Page, Col. Bland, &c. are also opponents, but on what principle and to what extent, I am equally at a loss to say. In general I must note, that I speak with respect to many of these names, from information that may not be accurate, and merely as I should do in a free and confidential conversation with you. I have not heard Mr. Wythe's sentiments on the subject. Doctr. McClurg the other absent deputy, is a very strenuous defender of the New Government. Mr. Henry is the great adversary who will render the event precarious. He is I find with his usual address, working up every possible interest, into a spirit of opposition. It is worthy of remark that whilst in Virga. and some of the other States in the middle & Southern Districts, the men of intelligence, patriotism, property, and independent circumstances, are thus divided; all of this description, with a few exceptions, in the Eastern States, & most of the Middle States, are zealously attached to the proposed Constitution. In N. England, the men of letters, the principal Off[i]cers of Govt., the Judges & Lawyers, the Clergy, and men of property, furnish only here and there an adversary. It is not less worthy of remark that in Virginia where the mass of the people have been so much accustomed to be guided by their rulers on all new and intricate questions, they should on the present which certainly surpasses the judgment of the greater part of them, not only go before, but contrary to, their most popular leaders. And the phenomenon is the more wonderful, as a popular ground is taken by all the adversaries to the new Constitution. Perhaps

the solution in both these cases, would not be very difficult; but it would lead to observations too diffusive; and to you unnecessary. I will barely observe that the case in Virga. seems to prove that the body of sober & steady people, even of the lower order, are tired of the vicitudes, injustice and follies which have so much characterised public measures, and are impatient for some change which promises stability & repose. The proceedings of the present assembly are more likely to cherish than remove this disposition. I find Mr. Henry has carried a Resolution for *prohibiting* the importation of Rum, brandy, and other ardent spirits; and if I am not misinformed all manufactured leather, hats and sundry other articles are included in the *prohibition*.⁴ Enormous duties at least are likely to take place on the last & many other articles. A project of this sort without the concurrence of the other States, is little short of madness. With such concurrence, it is not practicable without resorting to expedients equally noxious to liberty and œconomy. The consequences of the experiment in a single State, as unprepared for manufactures as Virginia may easily be preconceived. The Revised Code will not be resumed. Mr. Henry is an inveterate adversary to it. Col. Mason made a regular and powerful attack on the Port Bill; but was left in a very small minority. I found at the last Session that that regulation was not to be shaken; though it certainly owes it success less to its principal merits, than to collateral & casual considerations. The popular ideas are that by favoring the collection of duties on imports it saves the solid property from direct taxes; and that it injures G. Britain by lessening the advantage she has over other Nations, in the trade of Virginia.

We have no certain information from the three Southern States concerning the temper relative to the New Government. It is in general favorable according to the vague accounts we have. Opposition however will be made in each. Mr. Wiley Jones, and Governour Caswell have been named as Opponents in N. Carolina.

So few particulars have come to hand concerning the State of things in Georgia that I have nothing to add on that subject, to the contents of my last, by Commodore Jones.

We have two or three States only yet met for Congs. As many more can be called in when their attendance will make a quorum. It continues to be problematical, whether the interregnum will not be spun out through the winter.

We remain in great uncertainty here with regard to a war in Europe. Reports and suspicions are strongly on the side of one. Such an event may be considered in various relations to this Country. It is pretty certain I think that if the present lax State of our General Gov-

ernment should continue, we shall not only lose certain capital advantages which might be drawn from it; but be in danger of being plunged into difficulties which may have a very serious effect on our future fortunes.

I remain Dear Sir with the most sincere esteem & Affection, Your Obedt. servt.

PS. I have delivered your message to Mr. Thomson & settled the pecuniary matter with him.

The letters which you put under the same cover, with the seals of one joining the superscription of the contiguous letter, come when the weather has been warm, in such a State that it is often difficult to separate them without tearing out the superscription. A bit of paper between the adjoining letters over the seal would prevent this inconveniencey.

ENCLOSURE

No.

1. 6 New Town Spitzenburg apples	}	50 trees at 2/. £5.0.0
2. 20 New Town Pippin do.		
3. 6 Esopus Spitzenburg do.		
4. 6 Jersey Greening do.		
5. 6 R. Island Greening do.		
6. 6 Everlasting. do.		

7. 10 American Plumbs	1/6	15.-
8. 8 live Oaks	9d	6.-
9. 20 Sugar Maples	2/	2.-.-
10. 10 Candle berry-Myrtles	9d	7.6
11. 6 Standing American Honey-Suckles	1/6	9.-
12. 6 Three thorned Accacia	1/6	9.-
13. 6 Rhododendrons	2/	12.-
14. 6 Dogwood Trees	1/6	9.-
Box & Matts		5.6
Dollar at 8 Shillgs.		£10.13

RC (DLC: Madison Papers). In Madison's hand, though not signed. Madison, *Papers* (Rutland), 10:310-15.

¹ See *ibid.*, pp. 169-70.

² See *ibid.*, p. 357n.2.

³ For the basis of this calculation, see Madison to Edmund Randolph, December 2, note 3.

⁴ See *ibid.*, p. 248n.5.

Charles Thomson to Alexander Contee Hanson

Dear Sir,

New York Decr. 10. 1787

I have this moment recd. a letter from you without date, but which I find by the post mark was put into the Office at Annapolis the second of this Month.¹ So far was I from neglecting the business committed to me, that as soon as Congress met after my return from Philadelphia I brought it before them and your letter was referred to a committee who, reported thereon.² When the report was taken up Major Butler, one of the delegates from South Carolina informed the Congress that the Agents for South Carolina had sent you a bill drawn on their governor for one half the expence that this bill you had not returned to them and that he was sure it would be paid immediately on its being presented. From your letter which was before the house & from what you & Mr Goldsborough said to me when in Philadelphia I thought you had returned the bill; But from the information of Mr Butler it appeared you had not; This put a stop to any further proceeding in the business. As there appears to be some misunderstanding in this Affair I shall be glad to hear from you as soon as convenient. At present there is not a sufficient number of states assembled to proceed to business. I wish the delegates from your state could be induced to attend. As soon as I receive your further advices, you may rely on my doing every thing in my power to serve you being with much esteem, Sr yr obedt humble servt,

CT.

FC (DNA: PCC, item 49). In the hand of Charles Thomson.

¹ Hanson's undated letter is in PCC, item 49, fols. 123-26.

² Hanson, who had been appointed one of the federal judges to hear the Georgia-South Carolina dispute, was seeking compensation for 16 days expenses in traveling to Philadelphia in connection with the case, although the dispute had already been resolved by bi-lateral agreement. See these *Letters*, 23:560-61; and Thomson to Hanson, June 1. The July 31 committee report on Hanson's original June 20 claim (as well as that of fellow judge Robert Goldsborough) had not been acted upon and Hanson was seeking to revive the case. Although Congress was not in session at this time, his letter was finally read on February 5 and referred to a committee consisting of John Armstrong, Nicholas Gilman, and James Madison, which recommended March 5 that the two states be requested "to make adequate Allowance to Mr Hanson and Mr Goldsboro for their services as Judges." See PCC, item 49, fols. 343-46, item 78, 10:545-56; and *JCC*, 33:438n, 440, 34:31n, 42-43, 79-80, 618. See also South Carolina Delegates to Thomas Pinckney, February 19, 1788, note 3.

James Madison to Horatio Gates

Dear Sir

New York Decr. 11. 1787.

Your favour of the 26 Ult. was duly handed to me by Majr. Drumgole. However important the object of his errand may have been, it

has not been possible to take any step with regard to it. No authority equal to the business exists in the recess of Congress; and the Authority of Congress has been out of existence for some time, and if we are to judge from the present aspect of things, will continue so for some time longer.¹

There seem to be pretty strong syptoms of approaching war on the other side of the Atlantic. Its flames are actually kindled between the Turks and Russians. If the English & French do not follow the example, the forebearance will be more the effect of inability than of disinclination. The fate of the Dutch Patriots is not yet decided here by any authentic communications, but every report and probability is ominous to their cause. A general war in Europe will open a new scene to this Country; a scene which might be contemplated with pleasure if our humanity could forget the calamities in which it must involve others; and if we were in a condition to maintain the rights and pursue the advantages of Neutrality.

I am Dear Sir with the greatest respect and esteem your Obedt. & humble servt,
 Js. Madison Jr.

RC (NHi: Gates Papers). Madison, *Papers* (Rutland), 10:315.

¹ In his letter of November 26 (*ibid.*, pp. 272–73), Gates had recommended that Maj. Alexander Dromgoole, an Indian trader who had served as Virginia's emissary to the Cherokee along the Little Tennessee River, be appointed superintendent of Indian affairs for the southern department. For lack of a quorum the issue was not considered until February 1, 1788, when a letter from a Cherokee chieftain proposing Dromgoole's appointment was read and referred to the secretary at war to report. Henry Knox recommended against Dromgoole's selection on February 25 on the grounds that his chief object was clearly trade, which violated the prohibition in the ordinance regulating Indian affairs against the participation of Indian superintendents and their deputies in such activity. Knox was directed to assure the Cherokee of Congress' desire for peace but to explain the reasons that the major could not be appointed. The order was never acted on. See *JCC*, 32:353–54, 34:10n, 14, 31n, 59–60, 626. See also the following entry; and Burnett, *Letters*, 8:692.

Virginia Delegates to Edmund Randolph

Sir,

New York Decr. 11. 1787

We have been honoured with your Excellencies favor of the 24th Ult. together with its enclosures.

Congress have not yet Assembled nor have we an early prospect of a sufficient number of States upon the floor for business. In the recess of that body, there is no authority in existence for making the appointment you request with respect to the Cherokee and other tribes of Indians in the Western parts of Virginia & North Carolina. The Indian Ordinance provides for no more than one Superintendant for all the southern Indians—to this Office Doctor White was appointed by

Congress in October 1786, and he has lately resigned. How far Congress may be induced to make a separate or subordinate appointment for the Indians in your Excellencies Contemplation, we cannot Undertake to say. To us the idea appears a good & reasonable one, and We Will submit it to the consideration of Congress as soon as there are Nine States present.¹ Some time must elapse before any Step at all can be taken with respect to the southern Indians, other than what were provided for late in the last session of Congress. A few days before the end of the federal year some Resolutions were passed, for appropriating Six thousand dollars for holding Treaties with the Southern Indians; & North Carolina, So. Carolina & Georgia, are requested to appoint, each, a Commissioner, who are to hold the Treaties.² How far these States will act upon these resolutions we cannot undertake to say, having heard nothing from them.

In this State of things it must remain with your Excellency to determine what it may be necessary for the Government of Virginia to do. We cannot however encourage any procedure under an expectation that Congress will recognize the expence, nor have we reason to think, that should the appointment suggested by your Excellency be approved of, Major Drumgole would be the Man elected. Colo. Martin who long acted in this business under the Authority of Virga. & whose communications have eventually reached Congress would probably be preferred. Indian Agents necessarily have the exercise of powers which Congress will not confer on any but Characters tolerably well known.

Doctor White is now here and we have conversed with him upon the subject of his late department. He says the State of Indian Affairs in Georgia has been such as to engage his whole time and attention while in Office; this occasioned him to neglect the business as it respected those under your Excellencies consideration, and of course he had no ground of Correspondence with the Government of Virginia.

We do not undertake to decide upon the fitness of this Gentleman for the appointment he held, but in justice to him we beg leave to observe that the Sentiments of the Georgians who alone have known him in the execution of his duty, may very possibly be formed upon views intirely opposite to those which would found a wise & just Conduct in the Superintendant of Indian affairs. Had these people conformed to his advice and Agency, it is probable they would have avoided the bloody War in which they are now involved in consequence of their own violations of the Treaties held by the Commissioners of the United States with the Indians.

We have the Honor to be, with the greatest respect, your Excellencies Most Obt. Servts.,

Js. Madison Jr

J. Brown

Ed. Carrington

C. Griffin

RC (Vi: Continental Congress Papers). Written by Carrington and signed by Carrington, Brown, Griffin, and Madison.

¹ Although his letter of November 24 has not been found, Governor Randolph had requested that the delegates obtain the appointment of a separate superintendent of Indian affairs for Virginia and North Carolina because the present superintendent, James White, was ignoring their problems. He recommended for the position Maj. Alexander Dromgoole, who also had the confidence of the Cherokee Indians. See Madison, *Papers* (Rutland), 10:270; and the preceding entry. For James White's official resignation as superintendent, see White to Charles Thomson, January 22, 1788.

² See Charles Thomson to Certain States, October 27, note 1.

James Madison to Archibald Stuart

Dear Sir

N. York Decr. 14th. 1787.

I was yesterday favored with yours of the 2d inst. and am particularly obliged by the accuracy and fulness of its communications.¹ The mutability of the Legislature on great points has been too frequently exemplified within my own observation, for any fresh instance of it to produce much surprize. The only surprize I feel at the last Steps taken with regard to the New Constitution² is that it does not strike the well meaning adversaries themselves with the necessity of some anchor for the fluctuations which threaten shipwreck to our liberty. I am persuaded that the scheme of amendments is pursued by some of its patrons at least, with the most patriotic & virtuous intentions. But I am equally persuaded that it is pregnant with consequences which they fail to bring into view. The vote of Virga. on that subject, will either dismember the Union, or reduce her to a dilemma as mortifying to her pride, as it will be injurious to her foresight. I verily believe that if the patrons of this scheme, were to enter into an explicit & particular communication with each other, they wd find themselves as much at variance in detail as they are agreed in the general plan of amendments. Or if they could agree at all it would be only on a few points of very little substance, and which would not comprehend the objections of most weight in other States. It is impossible indeed to trace the progress and tendency of this fond experiment without perceiving difficulty and danger in every Stage of it.

We have received neither confirmation nor contradiction of the Reports concerning war between G.B. and France. The Dutch are prostrate before the prussian arms. The follies and misfortunes on the other side of the Atlantic ought to be lessons of wisdom to this side. I fear we shall not derive from them the profit of any sort, which they are calculated to afford us.

We have no Congs as yet; nor any increase of the materials for one. If one were formed, it would only perhaps make the nakedness of the federal situation more conspicuous. The contributions to the trea-

sury are every where failing. Massts. I am told has lately taken some resolution which effectually diverts the stream to some of her internal purposes.³

I perceive by the Newspapers that Delaware has decided unanimously in favor of the new Constitution. Penna. has not yet decided. No delay however will diminish the great majority which are on the affirmative Side. The Convention of New Jersey, is meeting or actually met. The vote there will be nearly if not quite unanimous. That of Connecticut will succeed, and will pretty certainly make four ninths of the requisite number. The same cause which has instituted & countenanced the opposition in Virga. excites it in Massts. In one respect there is a remarkable difference. In Virginia we see men equally respectable in every point of character & marshalled in opposition to each other. In Massts. almost all the intelligent & considerable people are on the side of the new Government. The Governor & the late Govr. though rivals & enemies, the Judges and the Bar—the men of letters—the Clergy and all the other learned professions, with that part of the Society which has the greatest interest in Good Government, are with but few exceptions in favor of the plan as it stands. The weight of this description of friends, seems to countenance the assurance which that side professes, of success.

I am Dear Sir Yr. friend & servt,

Js. Madison Jr

[P.S.] I think I have recd. the letter which you suppose had miscarried.

RC (CSmH); reprinted from Madison, *Papers* (Rutland), 10:325–26.

¹ See *ibid.*, pp. 290–92.

² That is, the Virginia assembly's decision to pay the delegates to the state ratifying convention, for which see *Doc. Hist. of Ratif.*, 8:183–93.

³ For the Massachusetts General Court's November 19 decision to pay the greater portion of the state's civil list from revenue generated to meet the Continental requisition for 1786, see *Resolves of the General Court of the Commonwealth of Massachusetts [October 17–November 23, 1787]* (Boston: Adams & Nourse, 1787), p. 77.

James Madison to George Washington

Dear Sir

New York Decr. 14. 1787.

Along with this are inclosed a few of the latest gazettes containing the additional papers in favor of the federal Constitution.

I find by letters from Richmond that the proceedings of the Assembly, are as usual, rapidly degenerating with the progress of the Session: and particularly that the force opposed to the Act of the Convention has gained the ascendance. There is still nevertheless a hope left that different characters and a different spirit may prevail in their successors who are to make the final decision. In one point of view the present Assembly may perhaps be regarded as pleading most powerfully

the cause of the new Government, for it is impossible for stronger proofs to be found than in their conduct, of the necessity of some such anchor against the fluctuations which threaten shipwreck to our liberty.

I am Dear [Sir] with the most sincere & perfect Esteem, Your Affecte & Obedt. humble servt.,
Js. Madison Jr

RC (PHi); reprinted from Madison, *Papers* (Rutland), 10:327.

Samuel A. Otis to Caleb Davis

Dear Sir

N York 14th Decr 1787

By this time you have a right to expect a line from your old friend, And which I most certainly should sooner have effectd but from a barrenness of incident since my arrival.

The States have generally elected their members but in expectation that others will not attend those in the vicinity are the most tardy. Congress will however meet in the course of this month and I am informed by the old members that should a new Government be accepted by th[e] people there is several months business for Congress, And surely if there is so great a calamity like to befall the United States as the rejection of the new System, Congress ought to assemble & keep up at least the appearance of Government until we are wise enough to adopt the reality.

With pleasure I see your name in the list of Candidates for convention and from ten years experience of integrity & abilities, I presume they will be exerted to good effect upon the present occasion.

I see brother W¹ is not elected for Millton and hear his election for commissioner was negatived.

By advices from several Counties in our State I find hanging is coming into fashion and by all accts the Berkshire Culprits were full ripe fruit for the tree on which they hung, One going so far as to trifle with the Minister who offered him his last prayers. The excision of criminals is a deduction from the force of a state, but until human wisdom makes an effort yet untried, it seems to be the only guard of society against the abandoned.

Mr Sedwick & Bacon were pitted against each other upon electing of deligates, Went largely into the merits, to the edification, & conviction of many, who had assembled for all parts of the County, And Sedgwick prevailed 60 to 30.

Let me hear from you at leisure, and oblige, Yours,

Sam A Otis

Cyrus Griffin to Thomas FitzSimons

Dear Sir,

N. York, December 15th. 1787.

I should have written some days ago, but waited a private conveyance which at last has disappointed me.

I had great difficulty in getting your little matter adjusted with the Treasury Board, because the promise of payment was to Harison *only*, and because not a shilling was in hand for continental purposes—however, as being preferable to *nothing*, You will receive enclosed a warrant upon Thomas Smith for the sum entrusted to my care.¹ I was obliged to accommodate a little affair of my own in the like mode which has occasioned an unexpected inconveniency.

For some days past I have been confined with a violent cold and disagreeable affection of the head—but as nothing very alarming is to be feared I wish my poor little woman to know but little of it.

I doubt the family at Mr. Marshall's will give you and your amiable lady a good deal of Trouble—but as they are the last few months they will ever spend to the northward I hope it may be forgiven—for indeed having but little property of my own and scarcely any thing by my wife, I should not be justifiable in spending that little at a distance from my own country even for the purposes of *Religion*—yet in the meantime I flatter myself they will ask for any thing that may be wanting, and when the little stock is expended that you were kind enough to take charge of I will endeavor to procure them more.

I make free to enclose a letter for your friendly messenger to deliver.

There are but four states rep[r]esented in Congress and I see no probability of a majority for weeks to come.

Our foreign correspondence contain the *strongest* reasons why a fixed and efficient government should be organised with all expedition.

Be so kind to make my sincere respects to Mrs. Fitzsimons.

I am dear sir, with great regard, your most obedient servant,

C. Griffin

RC (PP: Carson Collection).

¹ There is no record of this transaction in PCC.North Carolina Delegates
to the North Carolina Assembly

Gentlemen:

15 December, 1787.

We received the commands of the Honourable the General Assembly last evening¹ to lay before you this morning "The present state and circumstances of the Union," and altho' the time limited to us is

short, yet we shall endeavor to make a statement as in our opinion may answer the object of your request. The subject is of great latitude, but we have tried to view it in the most interesting point of light.

All the resolutions of Congress, with the letters of your Delegates, have been laid before you,² and Mr. Hawkins attended at the opening of the session expressly for the purpose of assisting in arranging of them and to throw such further light on them as might serve to explain any ambiguities, but they were ordered to be committed without a reading.

A narrative of transactions, other than the connecting of these papers together, we feel ourselves bound to give, and shall do it accordingly from notes which we must reserve to ourselves.

To describe the present state and circumstances of the Union, we may declare in one word that we are at the Eave of a Bankruptcy and of a total dissolution of Government. Since the close of the War there has not been paid into the General Treasury as much money as was necessary for one year's interest of the domestic and foreign debt, and Congress have been reduced to the dreadful alternative of borrowing principal to pay interest. Our efforts at home to this end were ineffectual; abroad where we were not known and where enthusiasm for liberty enrolled us among the most deserving of mankind, we were more Successful. The deception cannot be much longer kept up and unless something can be done before the close of the ensuing year we must cease to be a United Government. Our friends must give us up, and we shall become a laughing stock to our enemies.

The annual requisitions are so partially attended to by the States that our foreign and domestic embarrassments have accumulated beyond the possibility of being retrieved by other means than the punctual compliance on the part of the States. Congress, in their persevering desire of doing justice to their Creditors and supporting the Federal Government, have tryed every possible means in their power. The sale of the Western land has gone and will go a great way in discharge of our domestic debt, but our foreign debt is increasing and the best way of Judging of the possibility of soon discharging of it is by our own exertions in five years. We have made one payment, something less than forty thousand dollars, and the Schedule of requisitions will shew the deficiencies of the States respectively.

On the subject of the Treaty, you have every thing necessary to be said in the circular letter accompanying the resolutions of the 13th of April,³ with which several of the States have complied.

On the settlements of accompts, you have the ordinance of the 13th May, and the subsequent Resolution of the 28th of July,⁴ which will wind up the whole expences of the War on principles perfectly equitable. Several of the States are far advanced in their settlement, and we have reason to expect the Commissioner for settling our accompts will very soon give us notice of his attendance.

The subject of the Navigation of the Mississippi is of so delicate a nature that we cannot commit it to paper. We are only at liberty to say that it has been seriously agitated, and that it has claimed and we presume it will continue to claim the serious attention of your Delegates. We can say in general, the conduct of Spain on this subject is not liberal, and we presume it would be very different if they thought us a more formidable neighbour.

Having mentioned the western lands we must add that Sales already made will Sink near five millions of Dollars of the Principal of the Domestic debt, and that the States generally, who have ceded Western lands or who claim a share in them, complain pointedly and heavily against North Carolina and Georgia for claiming a part of the lands in the possession of Congress without ceding any part of their claims.

To close our remarks, a change of measures for the consolidation of the Union in which is involved our prosperity, felicity, safety and perhaps our national existence, is so obvious that the whole of the Union, Rhode Island excepted, have appointed their deputies in Convention for that purpose; the result of their deliberations you have had before you, whether the plan adopted by them is the proper one will depend in the sense of a Convention of Delegates in each State by the people thereof.

We have the Honor to be, with great respect, your Hbl. Servts,

Ro. Burton

Wm. Blount⁵

Benjamin Hawkins

Reprinted from the journal of the North Carolina General Assembly, *N.C. State Records*, 20:241-43.

¹ For this command to "the Delegates of this State now in Town," see *ibid.*, p. 228.

² *Ibid.*, pp. 128-30.

³ See Charles Thomson to the States, April 13, 1787.

⁴ Actually the ordinance of May 7 and resolution of July 23, for which see *JCC*, 32:262-66, 33:392.

⁵ Blount also submitted the following petition to the assembly concerning his pay as a delegate to Congress, which was referred to a house committee on December 13 and to a senate committee on December 14. *N.C. State Records*, 20:227, 419.

"William Blount late a Delegate in Congress humbly sheweth that a Resolution passed the General Assembly at Hillsborough in the Spring Session of the year 1784 in the following Words, 'Resolved that the Governor be and he is hereby authorized, empowered and required to grant Warrants from Time to Time on either of the Treasurers for the Salaries of the Delegates of this State attending in Congress payable in Philadelphia or in this State at the Option of the Delegates.'

"That at the session of 1786 at Fayetteville, 'The Committee to whom were referred the State of the Representation in Congress made the following Report which was agreed to by both Houses,

"That having examined the present Situation of the Delegates they find that the Salaries allowed is by no Means adequate to the purpose of enabling them to perform the duty which their Country expects and their appointments require of them. They find that the present salary of a Delegate is sixty four pounds per Month, paid by War-

rants on the Treasury which they often find great difficulty in getting the Money for, owing to the Want of Money in our Treasury; when they receive it, it does not pass without the Bounds of the State and for it Specie cannot be obtained under twelve Shillings for a hard dollar or a Deduction of one third from their Monthly Allowance, which reduces it to forty two pounds thirteen Shillings and four pence—A Sum by *No Means* adequate to their incidental Expences in the Character they have to support as the Representatives of the Sovereignty of a free and independent State, and We conceive it to be from this Cause that our Representation in Congress has not been so constant nor so full as it ought to have been; nor can we presume that the Public can expect or wish, that any Individual should devote his Time to the Service of the Public and at the same Time be obliged to have recourse to his private fortune for his Support, which has assuredly been the Case with such of our Delegates as have done their duty for these three years past. Your Committee has Leave to state the difference between the Delegates and the other Officers of Government; the former from the Nature of their Office have their duty to perform in another State where their Expences are great and Nothing but hard Money will pass, at a distance from their property, which generally yields less profit from the Absence of the Owner whilst on the Contrary the other Officers of Government perform their duty within the State where the Money they receive for their Salaries is the only circulating Medium, and also enjoy the Advantage of superintending their own Affairs and few of them are put to any more Expence by the Office they hold than they would have to bear were they without it. Your Committee highly sensible of the Importance of Keeping up a Representation in Congress, as it not only concerns the Interest of this State but of the United States, are therefore of Opinion that the delegates should receive their Salaries in hard Money to be paid them in New-York or wherever Congress may sit, in Payments of one Month's Salary in Advance and in Order that the State may be enabled to pursue this Mode of Payment they recommend that his Excellency the Governor be authorized and empowered to make a Contract with some person or persons to make the aforesaid Payments, who shall give sufficient Security for the faithful and punctual Performance of his or their Contract; and that the Governor be enabled to fulfil the Contract in Behalf of the State by drawing Warrants on the Treasury, in favour of the Person or Persons he may contract with.'

"That He (William Blount) for his Services performed in Congress in the two last federal years, hath received only paper Money at the rate of sixty four pounds per Month equal only to forty two pounds thirteen Shillings and four pence, altho' he applied by Letter to the Governor for the payment to be made him at Philadelphia agreeable to the first recited Resolution. That He conceives himself entitled in good faith under the Resolutions aforesaid to an additional Payment of Salary of thirty two pounds paper Money per Month, that is to make his Salary equal to sixty four pounds Specie per Month agreeable to the Aforesaid Resolutions and relying on the Justice of your honorable Body in full Confidence that his Petition will be granted he prays that you will be pleased so to order as that the aforesaid sum of thirty two pounds paper Money per Month be paid to him in Compliance with the aforesaid Resolutions and he as in duty bound will pray. Wm. Blount. December 12th 1787, at Tarborough." Legislative Papers 76, Nc-Ar.

John Brown to James Breckinridge

Dear Breckinridge¹

New York Decr. 16th. [17]87.

Two days ago I recd yours of the 26th Novr. filld with the Warmest expressions of friendship & regard for me which are the more flattering as from a long & intimate acquaintance I am confident of their

Sincerity—from a particular attention to my own feelings can with truth assure that my mind with respect to you is influenced by the same disinterested Passion. It is with pleasure that I look forward to that Period when our friendly intercourse shall no longer be interrupted by the remoteness of our situations from each other in a Country where my prospects in life are all center'd & from which my mind is seldom absent.² I reached this place about ten days past in company with Mr. Griffin, my Journey was much more agreeable than I expected. At Phila. I met Colo. Grayson on his return to Virginia who informd me that there would not be a Congress for some time, upon which I staid in Phila. two weeks which time I spent very agreeably in Vewing that flourishing City & attending the Debates of the State Convention upon the proposed plan of Fœderal Government. Upon my arrival here I found only the Representatives of four States; & at present there is no reason to expect a Congress before Xmas;³ this puts it out of my power to give you any information of the Views of that Body relative to Kentucky. Tho from a change of Delegates in some of the States & also from a Change in some political measures affecting the Interest of some of the Eastern States I think there is some reason to expect that the Rights & Interest of Kentucky will meet with due attention. I am very comfortably fixed in the best Boarding house in this place in company with Madison, Griffin & some other Delegates from the Eastern States, have been chiefly employed in receiving & returning Visits of Etiquette from & to Foreign Ministers, Consuls, Secretaries, &c. &c. I have nearly gone the grand round & doubt not but you will believe me when I say that I am glad it is over when you consider my Natural aversion to Ceremony.

I have access to a valuable Collection of Books & as I shall have little to do of a public nature at least for some time I propose to be very studious & hope by reading & keeping good Company this Winter to make considerable Improvement. I am happy to hear that you & my Brother are comfortably fixed together for the Season in College. You have it in your *power* to make your selves *respected* & your opportunities of Improvement are not surpassed by any upon the Continent. Tell James that I am much surprised to find that a letter from him to me did not accompany yours; that I shall insist upon one before I write to him. As I am in haste shall avail myself of that claim to respect due to Age I have not heard from Brother Sam tho have written him frequently.

The new Constitution is the only subject of Conversation in every Company in this place; I am inclined to think a Majority of the States will adopt it through choice & that the Minority will be reduced to accede by necessity. Our present political System is in utter Confusion. A change must & will soon take place. God grant it may be for the better.

Adieu Yours &c,

J Brown⁴

RC (ViU: Breckinridge Papers in the collections of the Albemarle County Historical Society). Addressed: "James Breckinridge Esqr, Wmsburg, Virginia."

¹ John Brown's cousin, James Breckinridge (1763–1833), was a member of the Virginia House of Delegates from Botetourt Co. and had served under Nathanael Greene in the Carolina campaigns before completing his education at William and Mary and being admitted to the bar. *Bio. Dir. Cong.*

² That is, Kentucky, where Brown (1757–1837) had migrated in 1782 after completing his education at William and Mary and studying law under George Wythe and Thomas Jefferson. A sometime advocate of Kentucky separatism under the auspices of Spain, Brown represented Kentucky in the Virginia House of Delegates in 1787 and was elected a delegate to Congress on October 23 to pacify the western settlers among whom he had become a prominent leader.

³ Brown presented his credentials in Congress on December 20. See *JCC*, 33:716.

⁴ In an undated and mutilated letter to Breckinridge apparently written in late December, Brown responded to an inquiry concerning legal ramifications stemming from "a Clai[m of . . .] Craigs on Jessamine," a central Kentucky region bounded on the south by the Kentucky River. "We have not yet formed a Congress," he continued, "I there[fore] may be said to enjoy *Otium cum Dignitate*. I recd. a letter a day or two past from your brother Billy. . . . I enclose you a plan drawn up [by] Symms for forming a Settl. opposite t[he mouth of the] Licking [*i.e., present-day Cincinnati, Ohio*]. I expect he will succeed—if so h[e will have to] bid adieu to hostilities from the Indians." Breckinridge Papers in the collections of the Albemarle County Historical Society, ViU.

John Brown to Archibald Stuart

Dear Sir

New York Decr. 16th. 1787

I recd. your favor of the 2d Instant & am sorry that it is not in my power to furnish you with all the Information you require, or with any part of it in so satisfactory a manner as I could wish. Not having as yet formed a Congress (only four States being represented) I cannot pretend to say what will be the fate of the Kentuckey address; from present appearances I rather fear that it will meet with some opposition, at least that an attempt will be made to postpone the determination upon that Subject untill the fate of the proposed plan of Fœderal Govt. is known.¹ My Anxiety relative to the event of this Business increases greatly when I rested upon the present alarming & increasing confusion which prevails throughout the whole Political System of the Continent. Some important Change in the United States must necessarily ere long take place; in which case Kentucky in her present dependant connected State would have much more to fear than to hope from the event. Were she independant & had a well advised efficient internal Govt. established, in my opinion her local Situation & internal resources would secure her from many of those calamities to which the Atlantic States might be subjected.

No Sales of Western lands have been made since the last letter from the Delegation from Virga. was written,² to which I must refere you if you have not already seen it as it contains a fuller Statement of that

Business than I could at this time furnish you with. The Contracts already made I believe amount to something upwards of three & half Million of Dollars in Public Securities.

I have made enquiry respecting the Vouchers you mentiond but to no purpose, shall continue the search & if I should be so fortunate as to make any discovery that may be of use to those concerned I shall duely inform you of it.

Report here sais that your Assembly is working *Wonders*. Should a vacant hour permit, I will thank you for some information of your proceedings, am sorry that I left Richmond so soon as I do not expect a Congress will be formed before Jan'y.

I am very comfortably fixed in this place & enjoy all the Happiness which Good Health, Good Company & good Chear can afford—have no foreign news to communicate nor Domestic except that Delaware & Pennlvnia have adopted the new foederal Constitution without Amendment.

Remember me to Mr. St Clair & believe that I am, Sir, Yr. mo. Hble
Servt.,
J Brown

RC (ViHi: Stuart Family Papers).

¹ For the fate of Kentucky's "address" to Congress, see Edward Carrington to Thomas Jefferson, November 10, note 3.

² Brown is referring to the Virginia delegates "last letter" to Edmund Randolph of November 3 written during the former Congress rather than to that of November 22 or December 11.

James Madison to Thomas Jefferson

Dear Sir

New York Decr. 20 1787.

The packet has been detained here since the date of the letter which you will receive along with this,¹ by some preparations suggested by an apprehension of war. The delay is very unfavorable to the trees on board for you.

Mr. {de la Forest}² the {consul here called on me a} few days ago and {told me he had information} that the {farmers general & Mr. Morris} having found their {contract mutually advantageous} are {evading} the {resolutions of the committee} by {tacit arrangements for its continuance}.³ He observed that the object of the {farmers was singly profit} that of the {government twofold revenue & commerce}. It was consequently the wish of the {latter} to render the {monopoly as little hurtful} to the {trade with America as possible}. He suggested as an {expedient that farmers should be} required {to divide} the {contract among six or seven houses French & American} who should be {required to ship annually} to {America a} reasonable proportion {of goods}. This

he supposed would produce some {competition} in the {purchases here} and would introduce a {competition also} with {British goods here}. The latter {condition he said} could not be well required of, or executed by a {single contractor}. And the {government could not abolish the farm}. These ideas were {meant for you}.

Since the date of my other letter, The Convention of Delaware have unanimously adopted the new Constitution. That of Pennsylvania has adopted it by a Majority of 46 agst. 23. That of New Jersey is sitting and will adopt pretty unanimously. These are all the Conventions that have met. I hear from North Carolina that the Assembly there is well disposed. Mr. Henry, Mr. Mason, R. H. Lee, and the Governour, continue by their influence to strengthen the opposition in Virginia. The Assembly there is engaged in several mad freaks. Among others a bill has been agreed to in the House of Delegates *prohibiting*, the importation of Rum, *brandy*, and all other spirits not distilled from some American production. All brewed liquors under the same description, with Beef, Tallow-candles, cheese &c. are included in the prohibition. In order to enforce this despotic measure the most despotic means are resorted to. If any person be found after the commencement of the Act, in the use or *possession* of any of the prohibited articles, tho' acquired previous to the law, he is to lose them, and pay a heavy fine. This is the form in which the bill was agreed to by a large majority in the House of Delegates.⁴ It is a child of Mr. Henry, & said to be his favorite one. They first voted by a *majority of 30* that all legal obstructions to the Treaty of peace, should cease in Virginia as soon as laws complying with it should have passed in all the other States. This was the result of four days debate with the most violent opposition from Mr. Henry. A few days afterwards He renewed his efforts, and got a vote, *by a majority of 50*, that Virginia would not comply until G.B. shall have complied.⁵

The States seem to be either wholly omitting to provide for the federal Treasury; or to be withdrawing the scanty appropriations made to it. The latter course has been taken by Massachusetts, Virginia and Delaware. The Treasury Board seem to be in despair of maintaining the shadow of Government much longer. Without money, the Offices must be shut up, and the handful of troops on the frontier disbanded, which will probably bring on an Indian war, and make an impression to our disadvantage on the British Garrisons within our limits.

A letter from Mr. Archd. Stuart dated Richd. Decr. 2d has the following paragraph "Yesterday a Boat with sixteen men, was brought down the Canal from Westham to its termination which is within one mile & an half of Richmond."⁶

I subjoin an extract from a letter from Genl. Washington dated Decr. 7th which contains the best information I can give you as to the progress of the works on the Potowmack.⁷

"The survey of the Country between the Eastern & Western waters is not yet reported by the Commissioners, though promised to be made very shortly, the survey being compleated. No draught that can convey an adequate idea of the work on this river has been yet taken. Much of the labour, except at the great falls, has been bestowed in the bed of the river, in a removal of rocks, and deepening the water. At the great falls the labour has indeed been great. The water there (a sufficiency I mean) is taken into a Canal about two hundred yards above the Cateract, & conveyed by a level cut (through a solid rock in some places, and much Stone every where) more than a mile to the lock Seats, five in number by means of which when compleated, the craft will be let into the River below the falls (wch. together amounts to seventy six feet). At the Seneca falls, six miles above the great falls, a channel which has been formed by the river when inundated is under improvement for navigation. The same, *in part*, at Shanandoah. At the lower falls, where nothing has yet been done, a level cut and locks are proposed. These constitute the principal difficulties and will be the great expence of this undertaking. The parts of the river between requiring loose stones only to be removed in order to deepen the water where it is too shallow in dry seasons."

The triennial purge administered to the Council in Virga. has removed from their seats Samson Matthews—and Mr. Selden. Col. Wm. Heth and Majr. Jos. Egglesstone supply their places.⁸

I remain Dr. Sir Yrs. Affecty.,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:331–33.

¹ That is, his letter to Jefferson of December 9.

² Words printed in braces in this text were written by Madison in cipher.

³ A "committee" of twelve French officials formed in February 1786 to investigate Franco-American trade had quickly launched a vigorous attack on the tobacco monopoly of the French Farmers General and its contract with Robert Morris. By May it had resolved that the contract should not be extended beyond December 1787, a decision that Jefferson immediately relayed to American diplomatic officials, to Congress, and to the governors of Virginia and Maryland. See Jefferson, *Papers* (Boyd), 9:582–91, 597–602, 10:105–6; and Jacob M. Price, *France and the Chesapeake: A History of the French Tobacco Monopoly, 1674–1791, and of Its Relationship to the British and American Tobacco Trades*, 2 vols. (Ann Arbor: University of Michigan Press, 1973), pp. 761–69.

⁴ In fact, the act adopted on January 1 did not prohibit, but merely laid a duty or impost on imported foreign goods while exempting "all goods, wares and merchandise . . . of the growth, production or manufacture of any of the United States," except for distilled spirits extracted from substances or materials not grown or produced in America. See Hening, *Statutes*, 12:412–16.

⁵ For this legislation, see Madison, *Papers* (Rutland), 10:292n.3.

⁶ *Ibid.*, pp. 291–92.

⁷ Cf. *ibid.*, p. 297.

⁸ In fact, the Virginia constitution provided for the replacement of two council members every three years. See *ibid.*, p. 249n.6; and Hening, *Statutes*, 9:116.

James Madison to George Washington

Dear Sir

New York Decr. 20. 1787.

I was favoured on Saturday with your letter of the 7th instant, along with which was covered the printed letter of Col. R. H. Lee to the Governour.¹ It does not appear to me to be a very formidable attack on the new Constitution; unless it should derive an influence from the names of the correspondents, which its intrinsic merits do not entitle it to. He is certainly not perfectly accurate in the statement of all his facts; and I should infer from the tenor of the objections in Virginia that his plan of an Executive would hardly be viewed as an amendment of that of the Convention. It is a little singular that three of the most distinguished Advocates for amendments; and who expect to unite the thirteen States in their project, appear to be pointedly at variance with each other on one of the capital articles of the System. Col. Lee proposes that the President should chuse a Council of Eleven and with their advice have the absolute appointment of all Officers. Col. Mason's proposition is that a Council of six should be appointed by the Congress. What degree of power he would confide to it I do not know. The idea of the Governour is that there should be a plurality of co-equal heads, distinguished probably by other peculiarities in the organization. It is pretty certain that some others who make a common cause with them in the general attempt to bring about alterations differ still more from them, than they do from each other; and that they themselves differ as much on some other great points as on the Constitution of the Executive.

You did not judge amiss of Mr Jay. The paragraph affirming a change in His opinion of the plan of the Convention, was an arrant forgery. He has contradicted it in a letter to Mr. J. Vaughan which has been printed in the Philadelphia Gazettes.² Tricks of this sort are not uncommon with the Enemies of the new Constitution. Col. Mason's objections were as I am told published in Boston mutilated of that which pointed at the regulation of Commerce.³ Doctr. Franklins concluding speech which you will meet with in one of the papers herewith inclosed, is both mutilated & adulterated so as to change both the form & the spirit of it.⁴

I am extremely obliged by the notice you take of my request concerning the Potowmack. I must insist that you will not consider it as an object of any further attention.

The Philada. papers will have informed you of the result of the Convention of that State. N. Jersey is now in Convention, & has probably by this time adopted the Constitution. Genl. Irvine of the Pena. Delegation who is just arrived here, and who conversed with some of the members at Trenton tells me that great unanimity reigus in the Convention.

Connecticut it is pretty certain will decide also in the Affirmative by a large majority. So it is presumed will N. Hampshire; though her Convention will be a little later than could be wished. There are not enough of the returns in Massts. known for a final judgment of the probable event in that State. As far as the returns are known they are extremely favorable; but as they are chiefly from the maritime parts of the State, they are a precarious index of the public sentiment. I have good reason to believe that if you are in correspondence with any Gentlemen in that quarter, and a proper occasion offered for an explicit communication of your good wishes for the plan, so as barely to warrant an explicit assertion of the fact, that it would be attended with valuable effects. I barely drop the idea. The circumstances on which the propriety of it depends, are best known to, as they will be best judged of by yourself. The information from N. Carolina gave me great pleasure. We hear nothing from the States South of it.

With the most perfect esteem & regard I am Dear Sir Your Affecte.
friend & Obedt. servt.,
Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:333-34.

¹ See *ibid.*, pp. 296-98. For Richard Henry Lee's October 16 letter to Edmund Randolph, which included his proposed "amendments" to the constitution and which had been printed in the December 6 issue of the Petersburg *Virginia Gazette*, see Lee to Elbridge Gerry, September 29.

² For John Jay's sentiments on the constitution and December 1 letter to John Vaughan, see *Doc. Hist. of Ratif.*, 14:207-9.

³ George Mason's October 7 "objections" to the constitution had been published in the *Massachusetts Centinel* and the *Independent Chronicle* on November 21 and 22, with the deliberate omission of the section criticizing the regulation of commerce by a simple congressional majority. The deleted passage, furnished by a New York correspondent, was published in the *Massachusetts Centinel* on December 19 to give northern readers a more balanced presentation of Mason's views. For the background of this issue, see *ibid.*, 8:40-46, 13:346-51, 14:147-58.

⁴ Benjamin Franklin's closing speech to the Philadelphia Convention on September 17 had been printed in the *Boston Gazette* of December 3. An opponent of the constitution, writing under the pseudonym "Z," attacked the speech in the December 6 issue of the Boston *Independent Chronicle* by quoting and referring only to those passages casting doubt on the constitution. "Z's" version of Franklin's speech was reprinted in the *New York Journal* of December 17. See *ibid.*, 14:358-60.

Edward Carrington to Timothy Pickering

Dr. Sir,

New York Decr. 22. 1787

It has just occurred to me that possibly the inclosed Resolution of Congress may not have been so communicated through the papers of Philadelphia, as to be seen by you—upon this consideration I now do myself the pleasure to send it to you. The measure was adopted with a view to bringing great numbers of the earliest staff appointments to

account who have never yet appeared, but is calculated to embrace those of every period.¹

I have gone through my settlement with Mr. Burrel² and he is making a Statement of the Accounts—as soon as that is done, I shall be on my way to Virginia calling on you in my way to compare our transactions when I will shew you the Statement of the Commissioner. I suppose I shall leave this City about Thursday next.

I have submitted to the Bd. of Treasury the State and circumstances of the Bonds in Carolina,³ and they have advised that the collections be facilitated by the rect. of paper money although there may be a loss sustained on it, rather than incur the inconveniences & losses by insolvencies, which would attend our attempts to get those debts paid in specie. I have accordingly instructed Mr. McCall to receive paper and convert it into specie in the most prudent way he can.

I am my dear Sir, with great regard, your afft. H St.,

Ed Carrington⁴

RC (MHi: Pickering Papers).

¹ Carrington apparently enclosed the July 23 resolution limiting to eight months the time available for the presentation of unliquidated Continental claims, for which see Charles Thomson to the States, July 25. For Carrington's and Pickering's role in the settlement of quartermaster certificate debt, see these *Letters*, 23:97n.2.

² That is, Jonathan Burrall, who had been elected commissioner for settling the accounts of the quartermaster and commissary departments on May 7. See *JCC*, 33:258.

³ See Carrington to the Board of Treasury, November 20.

⁴ Although Carrington had been elected on October 23 to serve in the Virginia delegation the ensuing year, he left New York for Virginia shortly after writing this letter, returning to Congress in late April or early May 1788. According to his accounts for 1787, he claimed compensation for 319 days continuous service from March 6 to January 20, 1788, including travel time, less "8 days absence in Phila." during the summer. *Continental Congress Papers*, Vi.

Charles Thomson's Memorandum Book

[December 22–28, 1787]

Decr. 22d transmitted to the Office for foreign Affairs—

Letter—Oct. 23d, 1787—J. P. Jones.¹

Letter—July 18th, 1787—J. P. Jones.²

Book containing a plan of a triple Vessel—

transmitted in letter May 1st, 1787—Mr Adams.³

Three packets of papers—N. 1, 2, 3, & Acct. No. 4—
transmitted in letter Feby. 15th, 1785 from Mr
Stephen Sayre of his claims.⁴

Bridgen's proposal for copper coinage containing—⁵
Four sizes of copper blanks.

Letter from Mr Adams Decr. 14th, 1782.⁶

Joint letter from American Ministers Decr. 20th, 1782.⁷
 Letter to Mr Laurens of the inscriptions for the
 proposed copper coins.⁸

Decr. 28th. Genl. Saml. H. Parsons—his commission as Judge of the
 Western territory—delivered to his son.⁹

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, November 6–23, 1787.

¹ This John Paul Jones letter is in PCC, item 168, 2:359.

² Alden added at the end of this line, "with 7 papers inclosed," and subsequently appended another notation, "the other papers, 11 in No., retained by the board of treasury." Jones' letter and the "7 papers inclosed" are in *ibid.*, pp. 351–85.

³ John Adams' letter, with a brief one to him from the author of the "book," Patrick Miller, is in PCC, item 84, 6:461–70.

⁴ Sayre's letter is in PCC, item 120, 1:127–28. The enclosed "packets" and account have not been found, but for descriptions of some of their contents, see John Jay's April 7, 1785, report on the letter, which is in PCC, item 81, 1:187–94.

⁵ For the coinage proposal of the firm Bridgen & Waller, see these *Letters*, 20:18n.1.

⁶ See PCC, item 84, 4:317–18.

⁷ This letter from John Adams, Benjamin Franklin, John Jay, and Henry Laurens, which also enclosed a copy of Bridgen & Waller's coinage proposal, is in PCC, item 85, fols. 290–94.

⁸ For this letter to Henry Laurens, signed "An Independent Citizen of the World, Oct. 1782," see *ibid.*, pp. 296–98.

⁹ The form of the commission for judges of the Northwest Territory adopted by Congress October 23, 1787, is in *JCC*, 33:700.

George Thatcher to Sarah Thatcher

New-York 23 Decemr. 1787

I am unspeakably happy, my dear Sally,¹ in informing you of my compleat Recovery from the Smallpox; tho I had it, as I think, pretty severely, I am as well and hearty, if not more so, than before I was inoculated. I have had a bad cold, but I am geting better of that—and my eyes have been exceedingly sore; but my left eye is so well as I can write & read; but my right eye is yet sore, and its sight very furry, tho' I think geting better. I heard from you the last week in a Letter from Doctor Southgate; and in one from from Mr. Tucker of Old York—And my dear Girl, I hope soon to hear from you by a Letter of your own. It seems a little strange what has become of Mr. Lee and Major Hill. From those I expected to hear, once a week at least, the news and politics of the east—how the new Government was recieved, who were chosen Delegates &c &c. What has become of them I dont know but I am sure they must be dead or have removed from Biddeford to some place where they can get neither pen, nor ink. I would write to them did I know where to direct a Letter that may find them.

When you can find any body to inclose a Letter, for you, to me, write me every thing—how you enjoy your health—how you make out to Live in my absence—whether you suffer for food, wood, or Rayment. How the little boy & Girl are. If Sambo rides with Charles to water the horses every day. For I would by all means have him. Tell me if you have recieved the Lamb-skin & Buttons I sent you from Boston to make your Great Coat, and if you have, how you like it.

Have you recieved your & Tampies Callico for Gowns? How do you & she like my Taste? And a million of other things. How are all my friends at the Falls. I want to hear from them all, if they are well &c &c &c.

I shall think you have all forgot, & care nothing about me if I have no Letter by the next Wednesday's Post. It is six weeks since I left Boston, when I wrote you & Mr. Lee to direct for me at New York—but not a word have I heard from either. I assure you my dear Sally it really makes me unhappy. But I hope this will find you & all the family in health.

Adieu, I shall write you once every week. I am your most affectionate Husband,
Geo. Thatcher

RC (MHi: Thatcher Papers). Addressed: "Mrs. Thatcher, Biddeford."

¹ Thatcher (1754–1824) had married Sarah Savage, the daughter of Samuel Phillips Savage of Weston, Mass., July 21, 1784. *DAB*, q.v., George Thacher (he changed the spelling of his name ca. 1815).

Samuel A. Otis to Theodore Sedgwick

Dear Sir

N York 25th Decr 1787

Had anything of moment taken place I should sooner have done myself the pleasure of writing to you. And even now it is out of my power to inform you of a representation from more than five States, So Carolina, Virginia, Pensilvania, N Jersey & Massachusetts. Delaware is daily expected, and Mr Langdon from N Hamshr would make a representation of seven States. You have probably heard Virginia have in conformity to Massachusetts stoped any farther supplies to the fœderal chest, And the civil and Military establishments are without the least provision. The old Government seems to be in the last stages of Languishment, And yet there is an incessant fire kept up against the new from the antifederal Batteries. Some of them indeed fire only pop guns. But so much fire & smoke altho there are few balls shott, dark & obscure the eyes of the good people, in such manner as I fear those of my dear Country men will not see the things which belong to their political peace. Your heavy artillery I hear has silenced a strong redoubt upon Bacon Hill, And sunk some floating batteries from the

Vicinity, And flatter myself you will defend Berkshire.¹ But they want help over the mountains, & beyond the great river, where its difficult conveying your ammunition. Sometimes indeed the fogs & vapours of low & boggy Countries, are dissipated by Lightning, if there is any prospect of success give them a great. But dont let it like Joves thunder strike them dead. But strike conviction.

The Georgians & N Carolinans have brot themselves into hott water with the Indians & now want to vouch in the United States. Would it not be a good time to remind them of certain acts of cession which the other States have made?

Do write me the State of politicks, how Convention is like to operate. I am very anxious to hear what dear Massachusetts are like to do. Her peace, honor & dignity are near my heart. The dye seems cast on which they are stamped & Heaven forbid it should turn up a blank! Mason & Henry have got Virginia politically d——k [drunk], And are determined they shall never be physically so with anything but peach & apple brandy & whisky, So amongst other feasible projects are agitating a bill for prohibition of all ardent Spirits from Europe, WI & United States.

God bless you my friend & give us cool heads & honest hearts.

Yrs,

Sam. A. Otis

RC (MHi: Sedgwick Papers).

¹ For Sedgwick's defense of the Constitution before the Stockbridge town meeting on November 30, see *Doc. Hist. of Ratif.*, 15:91n.4. A report of Sedgwick's performance, originally printed in the *Worcester Magazine*, was reprinted in the *New York Packet* on December 21.

James Madison to George Washington

Dear Sir

New York Decr. 26. 1787.

I am just informed by a Delegate from New Hamshire that he has a letter from President Sullivan which tells him that the Legislature had unanimously agreed to call a convention as recommended, to meet in February. The second Wednesday is the day if I have not mistaken it. We have no further information of much importance from Massachusetts. It appears that Cambridge the residence of Mr. Gerry has left him out of the choice for the Convention, and put in Mr. Dana formerly Minister of the U. States in Europe, and another Gentleman, both of them firmly opposed to Mr. Gerry's Politics. I observe too in a Massts. paper that the omission of Col. Mason's objection with regard to commerce, in the first publication of his Objections, has been supplied. This will more than undo the effect of the mutilated view of them.¹ New Jersey the Newspapers tell us has adopted the Constitu-

tion unanimously. Our European intelligence remains perfectly as it stood at the date of my last.

With the most Affectionate esteem & attachment, I am Dear [Sir],
Your Obedient & very hble servt., Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:345–46.

¹ See Madison to Washington, December 20, note 3.

Charles Thomson to Samuel Huntington

Sir Office of Secretary of Congress, Decr. 27th. 1787.

I have just received the letter You did me the honor to write on the 11th.¹ I am glad to find You have notified two of Your Delegates to attend and hope they will come on as speedily as possible. The Affairs of the Union become every day more and more critical. Since my last I have received a letter for Congress from the Govr. of Georgia, wherein he informs that State are determined to enter into a serious War with the Creek Indians: that for this purpose the Assembly have passed an Act to raise three thousand Men, & have empowered the Executive in case they are wanted to add thereto 1500 and that the State expects and will call upon Congress for the Assistance & support of the Union. I am also informed that the States of Massachusetts and Virginia have diverted to their own state purposes the supplies which were to have come from them into the public treasury, so that Congress is like to be left without the means of keeping up the few troops on the frontiers, or even to support the forms of Government & defray the current expences.

I enclose the Act of the 13th Oct² & have the honor to be, with the greatest respect, &c

LB (DNA: PCC, item 18B). Addressed: "His Excellency The Govr. of Connecticut."

¹ Huntington's letter is in PCC, item 66, 2:378–81.

² Huntington had acknowledged receipt of Thomson's circular letter to the states of October 18, but reported one of the enclosures missing—"for keeping up a Body of 700 Troops," for which see *JCC*, 33:602–4. The missing resolves were actually adopted by Congress on October 3, not 13th.

Thomas Tudor Tucker to St. George Tucker

My dear St. George

New York Decr. 28. 1787

You will perceive that the inclosed Letter was intended by Colo. Grayson.¹ My usual Indolence prevented it from being deliver'd to him. I have since had the pleasure of seeing your 3 Sons, & a real plea-

sure it was. They are all of them very fine promising Youths. Theodorick & John are now in the same House with me, & I suppose you will hear from them. They have given me great Satisfaction by informing me that my dear Sister is getting the better of her late severe Illness. I heartily sympathize in the Anxiety you must have felt on so trying an Occasion, & am extremely happy both on her & your Account that the Danger, is so fortunately over. I flatter myself that this will find you rejoicing in her Recovery & the Birth of an other fine Child.² I have had a great deal of very agreeable Chat with the Youths, & they have made me a good deal acquainted with my little Friends in the Family. I arriv'd here about 10 days ago, but find that there are not States enough yet to make a Congress. However, I suppose they will gather soon after the Holidays. The new Constitution seems to go on very well. Three joining States have already agreed to it, & there is no reason to doubt of it's being approved by at least nine. The people of this City appear to be pretty generally for it, & I can't help thinking that it has a pretty good Chance even here.³ It's Operation will certainly be very extensive & will leave but the bare Shadow of State Government. The President will be a Monarch whilst in Office, & every President will have it in his power to get himself continued in Office for Life. And this will be a great Step towards a hereditary Monarchy. The Senate are the ministerial Agents of the States & at the same time Legislators for the people but free of all Responsibility to either & irrevocably appointed for six Years. The biennial Election of one third holds out an Appearance of frequent Changes, but in fact leaves two thirds always in Office, who by taking the other third by The Hand will be able always to keep them in & will in their Turn receive the same Favor. Life Estates will in time become hereditary Estates. The other House will be a nominal Representation merely of the people. The Members must be totally unknown to nine tenths of their constituents, & every Election will be carried by Intrigue among the most unprincipled of the People. It is possible for a Man to be elected by one tenth only of the persons who actually vote, to be unknown to nine of ten of those who vote for him, & to be disliked by the other nine tenths of the Electors. Something like this will be actually the Case as soon as some System of Rule & Influence is establish'd which will enable the Members of both Houses to feel their own Power & Importance. The State Legislatures will dwindle into Insignificance & their Members will in time become the Tools of their Superiors. The Objects of the judicial Department are so numerous that they will exist more or less in every County & Parish of every State & of course the Courts must be multiplied exceedingly. The State Laws will fall into Contempt, for they will not have the Force even of the Bye Laws of a Corporation, the Authority being not derived from the superior Governmt. but retain'd from it, & therefore having it not as a Supporter but as a Competitor ready

to swallow up all Remains of State Power. The State Debts will never be paid & even the Civil Lists will not long be supported. What I have said is at least possible & perhaps not very improbable. But I am apt to think that the People who certainly are not aware of the Extent of it's Operation, will on feeling it make effectual Opposition to it before there is a Force sufficient to keep them in Subjection. Our Grand Children will be better Judges of the Matter than we are, & it might perhaps have been as well for us not to have too much Confidence in ourselves, but to give Power with a sparing Hand only so far as it is absolutely necessary; since more may at any time be given but none can ever be peaceably taken back. My sincerest Regards & good Wishes to my Sister & the Children. Pray, let me hear from you. I have not received a Line from you since you were in New York.

I am most unalterably, My dear St. George, Yr. most affect. Brother,
Thos. Tud. Tucker

RC (ViW: Tucker-Coleman Papers).

¹ That is, Thomas' letter of November 21 from Philadelphia while en route to New York from Charleston, in which he commiserated at length with his brother over the recent death of their father, Henry, "our most invaluable Benefactor & Friend." Turning to the public sphere, he confided: "This seems to be a very critical Period of American Politics, & I must confess myself ixtremely anxious about the Event. The grand Question is before us that must decide the Happiness of Millions of Generations, & yet it seems as if we were scarcely left at Liberty to give an impartial Vote upon it. How inconsistent, how *irrational* a Being is Man! How strange the Rage of popular Enthusiasm! We scruple to touch the fairest Fruit whose Qualities are unknown to us, yet we greedily swallow, without a Moment's Thought, what may nourish or poison not ourselves only but our Posterity for-ever. I confess I had my Fears from the very Beginning of this Business, but a kind of cowardly Deference to the general Opinion occasion'd them for a while to subside. They are now revived & I begin again to be in doubt whether we have lavish'd the Blood & Substance of our Country for a good or bad Purpose. I have not been at leisure to study the proposed Scheme of Government. At first View it pleased me in most of it's Parts, but a little Consideration presented to me Objections, which I cannot get over, & they multiply upon me the more I think of it. I may be wrong in my Apprehensions, but I have seen so many Instances of general Infatuation in Support of Measures which have turn'd out to be grossly erroneous, that I dare not longer look for Truth in the Opinions even of the most discerning. Such a Variety of Circumstances conspire to warp the Judgment, that very few are left at Liberty to use their own Reason. This is so extensive a Subject that little can be said upon it in the Bounds of a Letter. The proposed Constitution seems to me replete with Danger & I dread it's Consequences. Let me know your Opinion & what is likely to be the Decision of your State upon it, for she is a large Limb of the Confederation & so situated as to be able to dis-joint the whole Business. For my Part, I shall by my present Appointment be every way shut out from a Voice in the matter. I cannot say what our State will do. Our Legislature does not meet until January, which will afford some time for the Glare of Novelty to go off. In Charleston most People are pleased, which I cannot wonder at, as I was myself dazzled with it at first View." *Doc. Hist. of Ratif.*, 1-E:167; and Tucker-Coleman Papers, ViW.

² Unfortunately, the condition of St. George's wife, Frances (Bland) Randolph Tucker, worsened steadily through December and she died the following month. Dis-tressed, Thomas subsequently wrote letters to his brother on December 30, and on Jan-

uary 20, and February 2 and 28, effusively lamenting Frances' final illness and grieving her death, which are in the Tucker-Coleman Papers, ViW.

³ The prospect for ratification of the Constitution was also the subject of the following letter written this day by an unidentified delegate, which appeared in the January 9, 1788, issue of the *Pennsylvania Gazette* under the heading "Extract of a letter from a Member of Congress, dated New-York, Dec. 28, 1787."

"Gentlemen here who have pretty good information of what is doing in the eastern states say, that Connecticut will be three to one in convention for the constitution—In New-Hampshire almost, if not quite, unanimous; and Massachusetts two to one; however a short time will decide—should this be actually the case, it will have great influence in New-York. I cannot think they will remain long opposed, with three states on each hand who have already decided."

Roger Alden to Samuel William Johnson

Dear Sir¹

New York. Decr. 31st. 1787.

I thank You for the letter of 30th Sept. and in return will give a general Statement of the politics on the Continent. The report of the Convention affords a fruitful subject for wits, politicians and Law-makers. The presses, which conceived by the incubation of the Convention are delivered from the pangs of travail, & have become prolific indeed. The offspring is so numerous, that the public ear has become deaf to the cries of the distressed, and grow impatient for the christning of the firstborn.

The opposition have many Characters of extensive knowledge and great influence—but their efforts have failed in some of the States, particularly in Philadelphia. The Question was carried in the State Convention 46 against 23²—in Delaware and New Jersey by an unanimous vote³—Connecticut is the next on the list of dates. The Convention meets next Thursday—of 175 the whole number, 112 are decidedly for the measure—among the remaining 63 some are undetermined.⁴ The good sense and influence of the majority may make some converts among them. Massachusetts assemble the Wednesday following. The event there is very uncertain—but appearances from the eastern & southern part of the state are favorable. The western counties feel the effects of the late insurrection—& tho they have been Treated with uncommon lenity, they are not disposed to hear law and reason. New Hampshire meet in Feby. There is not a doubt but they will adopt it, if it is accepted by Massachusetts. Rhode Island has done nothing—the people are left to do as they please. It is not expected that New York will be among the number of the federalists. The Assembly meets in a few days—we shall be able to form a more accurate Judgment, when the Sentiments of the Legislature are known. Maryland has appointed their Convention in April. Parties are very high in Virginia, headed by the first Characters of sense and property. They are very much divided, and it is not probable that they

will subscribe to the measure. Reports from the three southern States are not so favorable as could be wished, but the plan so well accords with the present politics of South Carolina, that it is the prevailing opinion that they will be on the right side. Georgia will follow the majority. If three solid columns can be formed, consisting of the Eastern Phalanx, the southern Light Infantry, & the brave fellows on the banks of the Delaware, no European intrigue or State divisions, can resist the attack or disconcert the movements of so powerful a body—but if success, equal to the most sanguine wishes attends the present plan, the whole body cannot appear in battle array with the President & General at the head, till this time 12 Months. We must wait with patience & I sincerely hope that we may see it accomplished.

The Patriots in Holland are suffering for their ill timed & ill managed opposition. The french Men have behaved in Character. Their conduct towards America did them honor for they persevered to the last—but they have finessed the poor dutchmen out of their liberty.

I am, Dear sir, Yours most Affectionately, R Alden

[P.S.] You will receive with this some of the papers of this city. I have not been able to procure all which contain the pieces against the constitution. A Writer under the signature of Publius takes up the matter upon the best grounds—and is a very fair, candid, sensible advocate upon the federal side. There is nothing personal or scurrilous in his writings—he only means to convince by plain reasoning—by arguments drawn from facts & experience.

You will hear from Your friends here, respecting the family. I have confined myself to politics, & have said nothing about myself or those I esteem—but believe when I assure You that You are sincerely loved & esteemed by Yours Affy, RA——

RC (DLC: Johnson Papers). Addressed: "Saml Wm. Johnson Esqr."

¹ Johnson was Alden's brother-in-law, as he had been the brother of Alden's late wife Nancy. See Alden to William Samuel Johnson, November 12, 1786, note 1.

² For the adoption of the Constitution by the Pennsylvania ratifying convention on December 12, see *Doc. Hist. of Ratif.*, 2:322–24, 586–91.

³ For the adoption of the Constitution by the Delaware and New Jersey ratifying conventions on December 7 and 18, respectively, by votes of 30 to 0 and 38 to 0, see *ibid.*, 3:47–111, 129–85.

⁴ The Connecticut ratifying convention actually adopted the Constitution by a vote of 128 to 40 on January 9. *Ibid.*, pp. 339–562.

Samuel A. Otis to Elbridge Gerry

Dear Sir

New York 2d Jany 1788

It was my intention to have done myself the honor to have called upon you, previous to my leaving Massachusetts, but partly from cha-

grin at undertaking an employment in which I could render but little service to myself, or my Country, And in part from a hurry of business inseperable from my *then* Situation I was deprived of the honor. I do not now address you upon the great *Subject* of contemplation, because everything worth your attention (& many things beneath it) has been said, & better said, than is in my power. Much less do I mean to dragg you into Convention; to hiss you for speaking contrary to what I might dictate, Or compell you to vote with me.¹ For besides other objections to the measure, the being run thro the body, for which at the present moment I have no great propensity, seems a natural one; And I am not sure but if I could effect this, as the redoubted Capt Barry did at Philadelphia in regard to a member of their Assembly² that you would not turn the hiss upon myself; But my principal design in writing is to evince that esteem, which a series of kind offices on your part have inspired.

And altho without reserve I confess myself a foederalist, I have so much charity for unbelievers, as most sincerely to tender *you* my services, in any way that you may think proper to command them, feeling perfectly secure in your well known delicacy, & nice sense of honor.

I am not by any means of opinion, if your dissent & influence, should stop the progress of the new system, that all would be lost, and no Government adopted; altho I am in doubt whether we shall do better; And think there is great danger whilst we are contending for perfection in Government, which no human Legislators are competent to, we shall be left without, any; And there will be a kind of necessity for some of you great Spirits, to come forward and call us to order, in your own right.

There seems at present to be a pause in the Govt of the United States. I suppose in their eager attention to the New confederation, the old is forgotten, And therefor only five States (but one from N England) are represented; It is hoped however there will be a meeting of at least seven States in all this month.

Mr A Lee is gone down to Virginia (where tis said the *opposition* gains ground) full of zeal, a Candidate for Convention; Gr. Clinton sett[s] off[f] for Paughkepsie this morning to put his machinery in motion.

I understand all the States South of *this*, Virginia excepted, either have, or will accede. If the E States had a propensity to be jealous, the eagerness, avidity, & illiberality of some of the States, in their mode of adoption, would have inspired it; However I hope nothing will prevent them, & especially Massachusetts, from discussing & determining the question, with that decorum, & dignity of debate which have marked her public Councils; And that a fair majority will be submitted to, let the question be determined as it may.

I should feel myself honored by a line from you as leisure permits, And am very respectfully, Your most humble Sert,

Sam. A Otis

RC (DLC: Elbridge Gerry Photostats).

¹ Gerry was one of the leading opponents of the Constitution in the Massachusetts ratifying convention, while Otis was a vigorous supporter of the document.

² The reference is to the action of Capt. John Barry, who at the head of a Philadelphia mob on September 29, 1787, compelled two antifederalist Pennsylvania assemblymen to return to their seats to produce a quorum, whereupon the assembly called a state convention to consider the new Federal Constitution. See *Doc. Hist. of Ratif.*, 13:293-94, 15:475.

James Madison to Tench Coxe

Dear Sir

New York Jany. 3d. 1788

I have been favored with yours of the 28 Ult. and thank you for the paper which it inclosed.¹ Your arguments appear to me to place the subject to which they relate in its true light, and must be satisfactory to the writer himself whom they oppose, if he can suspend for a moment his preconceived opinions. But whether they should have any effect or not on him, they will unquestionably be of service in Virginia, and probably in the other Southern States. Col. Hamilton has read the paper with equal pleasure & approbation with myself. He seems to think that the Farmers of New York are in no danger of being infected with an improper jealousy of a sacrifice of their interests to a partiality for commerce or navigation. Connecticut is more likely perhaps to be awake to suspicions of that sort; and it will be well to counteract them every where by candid and judicious explanations. I propose to send a copy of yours to S. Carolina by the first conveyance; and to put another into the hands of some Gentleman who corresponds with Georgia if I can find one. I have no correspondent in that State.

I never till very lately received an answer from Virga. on the subject of your former observations in support of the foedl Constitution. I find now that the three first letters were published at Richmond in a pamphlet with one or two other little pieces, and that they had a very valuable effect. The 4th was circulated in the Newspapers, not having arrived in time to be put into the pamphlet.²

We have received no information of very late date or of a satisfactory nature from Europe. The London Head in the paper of this morning which I inclose, mentions a circumstance which leads to some new reflections on the situation of the Dutch.³

I have no intelligence from the States Eastward of this worth adding. The elections in Massts. must by this time authorize a pretty good estimate of the two parties with regard to the plan of the Convention, but I am not yet possessed of the conjectures on the subject. It seems that both Mr. Gerry who opposed the plan in Convention, and Mr. Dana who followed the example in Congs. are left out of the returns from their respective districts. Perhaps the enmity of the for-

mer may not only be embittered, but rendered more active and successful by this disappointment. On the floor of the Convention he could only have urged bad arguments, which might be answered & exposed by good ones. Without doors he will be able not only to urge them without opposition, but to insinuate that he could say much more, had he not been deprived of a hearing by the machinations of those who were afraid of being confronted.

The post from the South being not yet come in I can not give you any Richmond News. The last I received was a continuation of the evidences of an increasing opposition to the new Government. The Characters which head it account fully for the change of opinions.

With very great esteem & regard I am Dr Sir, Yr Obedt. & very hble servt.,
 Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:349–50.

¹ See *ibid.*, pp. 347–48. Enclosure not found, but apparently the December 28 issue of the Philadelphia *Independent Gazetteer* containing Coxé's first essay under the pseudonym "An American" which was a reply to Richard Henry Lee's October 16 letter to Gov. Edmund Randolph reprinted in the *Pennsylvania Packet* of December 20. See Lee to Elbridge Gerry, September 29, 1787, note. For the context of this Madison-Coxé exchange, see *Doc. Hist. of Ratif.*, 15:165–77. For Coxé's enthusiastic and tireless defense of the proposed Constitution under several pseudonyms, including both "An American" and "An American Citizen," see Jacob E. Cooke, *Tench Coxé and the Early Republic* (Chapel Hill: University of North Carolina Press, 1978), pp. 109–31.

² The "three first letters" that Coxé had written as "An American Citizen" had appeared in the Philadelphia *Independent Gazetteer* September 26–29 and were reprinted in the *New York Packet* in mid-October. Madison had sent the essays to Joseph Jones in Richmond where they were reprinted in the *Virginia Independent Chronicle* of November 7. These pieces were included in the pamphlet to which Madison refers that was published in Richmond in mid-November but has not survived. The fourth essay appeared in the *Virginia Independent Chronicle* of November 21 and was incorporated, together with the first three, in a pamphlet published December 15 and entitled *Various Extracts on the Foederal Government, Proposed by the Convention Held at Philadelphia* (Richmond, 1787). See Evans, *Am. Bibliography*, no. 20,824. Madison, of course, was unaware of the appearance of the second pamphlet. For Coxé's essays and the pamphlet anthologies published in Virginia, see *Doc. Hist. of Ratif.*, 13:247–52, 264–66, 272–73, 431–37, 14:447–48. The essays were later collected and published under the title *An Examination of the Constitution for the United States of America* (Philadelphia, 1788), for which see Evans, *Am. Bibliography*, no. 21,028.

³ The New York *Daily Advertiser* of this day had reported under a London heading dated October 23 that King Frederick William II of Prussia had demanded that the Dutch pay the expenses of the Prussian troops occupying Amsterdam.

James R. Reid to George Ross

Dear Sir,

4th Jan'y 1788

The depreciation of our paper money is a serious piece of business with public Officers.

I find I shall have occasion for one month's pay, which I wish I could be favoured with on account, as we got before.¹

Please to give the order to Captain McConnell² who will transmit the *commuted*—minus £30 pr Centum to Your Very Obedt Huml Servt,
James R. Reid

RC (NjMoHP: Lloyd W. Smith Collection). Addressed: "The hon'le George Ross Esqr., Philadelphia. favd by Mr McConnell."

¹ Reid was appealing to Ross as a member of the Pennsylvania Council. Reid later submitted the following statement of account for his delegate pay through the congressional year ending October 1788.

"To his pay as delegate from the 6th day of Decr. 1787 till Oct. 22d. 1788 deducting Ten days for absence being 312 days, @ 6 Dollars per day—£702.0.0. To Milage—21.12.0. £723.12.0." Gratz Collection, PHI; and *Pa. Council Minutes*, 15:366, 568. Reid actually last attended Congress on October 10, 1788. *JCC*, 34:601–3.

² Matthew McConnell, the bearer of the letter, was also the recipient of the following January 8 letter from Reid's colleague John Armstrong, Jr., concerning his pay as a delegate to Congress.

"I have written to Mr. Rittenhouse, for the subject of the Interest. His other business I have to commit to you is to call upon Mr. Se[cretar]y [Charles] Biddle & obtain from him an Order for my pay as Delegate to Congress from the 17th Nov. to the time of obtaining the Order. This can be done upon Acct. When the Order is gotten & the Money upon it—I must beg you to convert it into hard Mo[n]ey on the best terms you can afford. You will then let me know the Amount & I will draw upon you for the sum. Your early attention to this business will very much oblige me. I hope to have your advice the next week." Lloyd W. Smith Collection, NjMoHP.

Nicholas Gilman to John Langdon

Sir

New York January 6th 1788

Your letters of the 23d & 24th Ultimo came duly to hand.¹ Mr Livingston's letter I gave to Barnes who engaged to deliver it: the others I shall forward by the first opportunity or give them to Mr Hazard, as requested. There is no conveyance at present to any part of France, the Packet will probably be the first & will sail about the [] 5th instant. We have no very particular accounts from the States South of Virginia respecting the great political question. The latest and best advice from Georgia comes from a gentleman in Philadelphia to Mr. Madison, informing him of the arrival of a vessel by which he learns that the new Constitution is so well received in that State as to give reason to believe it will not only be adopted but that their Convention will be unanimous in the act.² There seems to be no late accounts from the Carolina's by which one would be more likely to form a just opinion of their dispositions respecting the great question than might be done in the closet by reflecting on the nature of the new Constitution, the present situation of affairs and the genius & disposition of the people of those States.

The intemperance of the few Philadelphians in attempting to drive the plan through their Legislature and in hissing the minority in Convention has considerably injured the good cause. Yet I see no reason to alter my opinion on the subject, or to disbelieve that the good sense of the people will finally prevail and the Constitution be adopted.

There are no late accounts from Europe but the general opinion here is against a war at present between France and England.

Please to accept the papers herewith enclosed and believe me to be with great Respect, Sir, your most Obedient & Very Humble Servant,
N. Gilman

RC (Capt. J. G. M. Stone, Annapolis, Md., 1973).

¹ President Langdon's letter of December 23 is in the Myers Collection, NN.

² For Tench Coxe's letter of December 28, see Madison, *Papers* (Rutland), 10:348.

James Madison to Edmund Randolph

My dear friend

N. York Jany. 10. 1788.

I have put off writing from day to day for some time past, in expectation of being able to give you the news from the packet, which has been looked for every hour. Both the French & English have overstaid their usual time ten or 15 days, and are neither of them yet arrived. We remain wholly in the dark with regard to the posture of things in Europe.

I received two days ago your favor of Decr. 27 inclosing a copy of your letter to the Assembly.¹ I have read it with attention, and I can add with pleasure, because the spirit of it does as much honor to your candour, as the general reasoning does to your abilities. Nor can I believe that in this quarter the opponents to the Constitution will find encouragement in it. You are already aware that your objections are not viewed in the same decisive light by me as they are by you. I must own that I differ still more from your opinion, that a prosecution of the experiment of a second Convention will be favorable even in Virginia to the object which I am sure you have at heart. It is to me apparent that had your duty led you to throw your influence into the opposite scale, that it would have given it a decided and unalterable preponderancy; and that Mr. Henry would either have suppressed his enmity, or been baffled in the policy which it has dictated. It appears also that the ground taken by the opponents in different quarters, forbids any hope of concord among them. Nothing can be farther from your views than the principles of different sets of men, who have carried on their opposition under the respectability of your name. In this State the party adverse to the Constitution, notoriously meditate either a dissolution of the Union, or protracting it by patching up the

Articles of Confederation. In Connecticut & Massachusetts, the opposition proceeds from that part of the people who have a repugnancy in general to good government, to any substantial abridgment of State powers, and a part of whom in Masss. are known to aim at confusion, and are suspected of wishing a reversal of the Revolution. The Minority in Pennsylv. as far as they are governed by any other views than an habitual & factious opposition, to their rivals, are manifestly averse to some essential ingredients in a national Government. You are better acquainted with Mr. Henry's politics than I can be, but I have for some time considered him as driving at a Southern Confederacy and as no farther concurring in the plan of amendments than as he hopes to render it subservient to his real designs. Viewing the matter in this light, the inference with me is unavoidable that were a second trial to be made, the friends of a good constitution for the Union would not only find themselves not a little differing from each other as to the proper amendments; but perplexed & frustrated by men who had objects totally different. A second Convention would of course be formed under the influence, and composed in great measure of the members of opposition in the several States. But were the first difficulties overcome, and the Constitution re-edited with amendments, the event would still be infinitely precarious. Whatever respect may be due to the rights of private judgment, and no man feels more of it than I do, there can be no doubt that there are subjects to which the capacities of the bulk of mankind are unequal and on which they must and will be governed by those with whom they happen to have acquaintance and confidence. The proposed Constitution is of this description. The great body of those who are both for & against it, must follow the judgment of others not their own. Had the Constitution been framed & recommended by an obscure individual, instead of a body possessing public respect & confidence, there can not be a doubt, that altho' it would have stood in the identical words, it would have commanded little attention from most of those who now admire its wisdom. Had yourself, Col. Mason, Col. R. H. L., Mr. Henry & a few others, seen the Constitution in the same light with those who subscribed it, I have no doubt that Virginia would have been as zealous & unanimous as she is now divided on the subject. I infer from these considerations that if a Government be ever adopted in America, it must result from a fortunate coincidence of leading opinions, and a general confidence of the people in those who may recommend it. The very attempt at a second Convention strikes at the confidence in the first; and the existence of a second by opposing influence to influence, would in a manner destroy an effectual confidence in either, and give a loose to human opinions; which must be as various and irreconcilable concerning theories of Government, as doctrines of Religion; and give opportunities to designing men which it might be impossible to counteract.

The Connecticut Convention has probably come to a decision before this; but the event is not known here. It is understood that a great majority will adopt the Constitution. The accounts from Masss. vary extremely according to the channels through which they come. It is said that S. Adams who has hitherto been reserved, begins to make open declaration of his hostile views. His influence is not great, but this step argues an opinion that he can calculate on a considerable party. It is said here, and I believe on good ground that N. Carolina has postponed her Convention till July, in order to have the previous example of Virga. Should N. Carolina fall into Mr. H——y's politics which does not appear to me improbable, it will endanger the Union more than any other circumstance that could happen. My apprehensions of this danger increase every day. The multiplied inducements at this moment to the local sacrifices necessary to keep the States together, can never be expected to co-incide again, and they are counteracted by so many unpropitious circumstances, that their efficacy can with difficulty be confided in. I have no information from S. Carolina or Georgia, on which any certain opinion can be formed of the temper of those States. The prevailing idea has been that both of them would speedily & generally embrace the Constitution. It is impossible however that the example of Virga. & N. Carolina should not have an influence on their politics. I consider every thing therefore as problematical from Maryland Southward.

I am surprised that Col. H. Lee who is a well-wisher to the Constitution should have furnished Wilkinson with the alarm concerning the Mississippi, but the political connections of the latter in Pena. would account for his bias on the subject.

We have no Congress yet. The number of St[ate]s on the Spot does not exceed five. It is probable that a quorum will now be soon made. A Delegate from N. Hampshire is expected which will make up a representation from that State. The termination of the Connecticut Convention will set her delegates at liberty. And the Meeting of the Assembly of this State, will fill the vacancy which has some time existed in her Delegation.

I wish you every happiness, and am with the sincerest affection Yrs.,
Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:354–56.

¹ See *ibid.*, pp. 346–47. Randolph's October 10 letter to the Speaker of the Virginia House of Delegates explaining his reasons for not signing the Constitution had been issued as a separate pamphlet in late December, for which see Evans, *Am. Bibliography*, no. 20,669. It also appeared in the *Virginia Gazette and Weekly Advertiser* of January 3 and 10 and was widely reprinted in other states. For the letter and an exploration of Randolph's position on the Constitution, see *Doc. Hist. of Ratif.*, 8:260–75, 15:117–35.

Cyrus Griffin to Thomas FitzSimons

My dear Sir

N.Y. Jan. 13. 1788.

The Treasury board have been kind enough to cancel the former warrant and to grant another upon the continental officer at Richmond—which I do myself the honor to inclose to you. Payment I think may be gotten from thence; not the smallest expectation at this place. As my own receipt is given to Mr Hillegas, the Gentleman concerned will be so obliging to transmit me a paper as a counter-balance.

I fancy a little mistake will be discovered in that business of the 120,000 dollars—if the fiscal gentlemen of the union are not deceived in their explanations. We are *also* very impatient for European Intelligence—nothing of consequence can as yet be relied upon—the packets are hourly expected.

A little period since our Ministers abroad were predicting a speedy war. I do not believe the affairs of Europe exhibit at this time a more pacific appearance. If the contest in Holland has terminated with peace to the provinces, France will accept the challenge from England with spirit and with equal ability. A little while and then we may determine with certainty.

Connecticut has received the Constitution—a great majority. Four states have now adopted.

Parties are running very high in Massachusetts: Samuel Adams and his friends have at length come forward: the Delegates from that Government, who understand characters, are doubtful of a happy Issue. If Mass. should be so unwise and dishonest to reject the system, N. York and Virginia will not hesitate one moment to follow the example—and then farewell to a federal Government of the whole; the baneful, the fatal consequences not one of us can foresee in their extent.

I beg leave to trouble you with a small letter to Spruce street.¹

I intended to Philadelphia for a little—but as my cold is bad, and what is still worse my pay would cease when absent from the Seat of Congress. I believe dear Madam had better spend the long nights without a partner, than the short days without Soup.

Do me the kindness to present my best Regards to your lady.

I have the honor to be with great respect, my dear sir, your most obedient Servant,

C. Griffin

Jan. 14. The inclosed printed paper will shew you the state of things in Europe—rather unexpected—and many Gentlemen much disappointed.

James Madison to George Washington

Dear Sir

N. York Jany. 14. 1788.

The Daily Advertiser of this date contains several important articles of information, which need only be referred to.¹ I inclose it with a few other late papers. Neither French nor English packet is yet arrived; and the present weather would prevent their getting in if they should be on the Coast. I have heard nothing of Consequence from Massachusetts since my last. The accounts from New Hampshire continue to be as favorable as could be wished. From South Carolina we get no material information. A letter from Georgia, of the 25 of Decr. says that the Convention was getting together at Augusta and that every thing wore a fœderal complexion. N. Carolina it seems, has been so complaisant to Virginia as to postpone her Convention till July. We are still without a Congress.

With perfect esteem & attachment I remain, Dear Sir Your Obedt. humble servt.,

Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:372.

¹ The New York *Daily Advertiser* of this date contained a notice that the Connecticut convention had ratified the Constitution by a vote of 127 to 40 and a copy of John Lansing's and Robert Yates' December 21 letter to Gov. George Clinton explaining their objections to the Constitution, for which see *Doc. Hist. of Ratif.*, 15:366–70.

James R. Reid to Tench Coxe

My dear Sir,

15th Jany 1788

I am much obliged by your favor of the 28th ultimo. I am pleased with the stile in which R. H. Lee is addressed,¹ as decency is certainly the only medium through which we may expect to produce conviction in a mind so enlightened as his.

I had read your commercial treatise before I left Carlisle.² I have read it again together with your agricultural tract including manufactures;³ they are good because they are practicable and will be of great service to me in my commercial enquiries.

The paper will give you the news of the day. We have unfavourable accounts from Carlisle. I wish violence may subside—it seems they have established an Auto de fé—and have whipped, hung and burned the Chief Justice and Mr. Wilson.⁴ With respect to the adoption of the proposed fœderal Government I am alternately agitated by fear and quieted by hope. A golden day is now passing when a good government would invite many of the dutch patriots with immensity of wealth.

We expect to make a Congress next week if the States South of the Delaware were represented. I think sufficient reasons could be urged to induce Congress to adjourn to Philadelphia about the first of May. I understand the opposition are brooding over something which will be hatched by the time of meeting of the next Assembly in February. Whether the offering will be a quadruped or a biped is not sufficiently known until it comes into existence. It must offer a legal and constitutional proof that the *people* of Pennsylvania were not represented in the last convention, and of course overset their proceedings. (This is inter nos).

I am my dear Sir with much esteem Your friend and Very Obedt
Huml Servt,
James R. Reid

RC (PHi: Coxe Papers).

¹ Coxe's "An American Essay," a response to Richard Henry Lee's published letter to the Governor of Virginia of October 16, had been printed in the December 28 issue of the *Philadelphia Independent Gazetteer*. See James Madison to Coxe, January 3, note 1.

² That is, *An Enquiry into the Principles on Which a Commercial System for the United States of America Should be Founded*, which was published in May 1787. See *ibid.*, 13:102-4; and Evans, *Am. Bibliography*, no. 20,306.

³ Apparently a reference to two recent Coxe publications: *Thoughts Concerning the Bank of North America; with a Plan for Encouraging Agriculture . . .*, (Philadelphia, 1787), and *An Address to An Assembly of the Friends of American Manufactures, Convened for the Purpose of Establishing a Society for the Encouragement of Manufactures and the Useful Arts* (Philadelphia: R. Aitken, 1787). Evans, *Am. Bibliography*, nos. 20,305, 20,307.

⁴ For the Antifederalist attack on a Federalist celebration in Carlisle, Pa., on December 26, which featured the burning of a copy of the Constitution and effigies of Thomas McKean and James Wilson, see *Doc. Hist. of Ratif.*, 15:225-28.

James Madison to Tench Coxe

Dear Sir

N. York Jany. 20, 1788.

I have received and forwarded your letter and pamphlet to Mr. King.¹ The latest information from Boston makes it probable that every aid to the federal cause will be wanted there. The antifederal party have found such reinforcements in the Insurgents, and the province of Maine which is afraid of creating obstacles to her separation, that there is the most serious reason to apprehend the friends of the Constitution will be outnumbered. The consequences of such an event elsewhere, are as obvious as they are melancholy. The Legislature at Poughkepsy is much divided on the point of submitting the Constitution to a Convention. The House of Assembly is in the affirmative, and is even supposed to be friendly to the merits. The Senate in its present State is opposed to a Convention. The arrival of the absent members may turn the scale in favor of one. On the merits that branch is certainly in the negative. The little piece by Philanthropos is

well calculated to cherish the distrust of a favorable issue to a second Convention, and will be reprinted here. I do not know a better mode of serving the federal cause at this moment than to display the disagreement of those who make a common cause agst. the Constitution. It must produce the best affects on all who seriously wish a good general Government.² Your commands for the Editor of the paper under the title of Publicus shall be attended to.³ I am Dear Sir with great respect Yr. Obedt. hbl sert. Js. Madison Jr

Reprinted from Madison, *Papers* (Rutland), 17:525.

¹ For Coxe's letter of January 16 enclosing federalist speeches from Thomas Lloyd's *Debates of the Convention, of the State of Pennsylvania, on the Constitution, Proposed for the Government of the United States* (Philadelphia, 1788), see Madison, *Papers* (Rutland), 10:375; and Evans, *Am. Bibliography*, no. 21,365.

² Coxe's "little piece" under the pseudonym "Philanthropos," in which he pointed out the extent to which three non-signers of the Constitution—Elbridge Gerry, George Mason, and Edmund Randolph—differed from one another in their opposition to the Constitution, had been published in the *Pennsylvania Gazette* and *Philadelphia Independent Gazetteer* on January 16. Madison had it reprinted in the *New York Morning Post* of January 21 and the *Daily Advertiser* of January 23. See *Doc. Hist. of Ratif.*, 15:391–93.

³ Coxe had requested that a copy of "the letters of Publius," which were "to be printed by Subscription at New Yk," be sent to him.

James Madison to Edmund Randolph

My dear friend

N. York Jany. 20. 1788

I have received your favor of the 3 inst.¹ By a letter from Mr. Turberville of later date I have the mortification to find that our friend Mr. Jones has not succeeded in his wish to be translated from the Executive to the Judiciary Department.² I had supposed that he stood on ground that could not fail him in a case of that sort; and am wholly at a loss to account for the disappointment.

The Count de Moustier arrived a few days ago as successor to the Chevr. de la Luzerne. He had so long a passage that I do not know whether the dispatches brought by him, contain much that is new.³ It seems that although the affairs of Holland are put into a pacific train, those of the Russians & Turks may yet produce a general broil in Europe. The Prussian Troops are to be withdrawn & the fate of the Dutch regulated by negotiation.

The intelligence from Massachs. begins to be rather ominous to the Constitution. The interest opposed to it is reinforced by all connected with the late insurrection, and by the province of Mayne which apprehends difficulties under the new System in obtaining a separate Government greater than may be otherwise experienced. Judging from the present state of the intelligence as I have it, the probability is

that the voice of that State will be in the negative. The Legislature of this State is much divided at present. The House of Assembly are said to be friendly to the merits of the Constitution. The Senate, at least a majority of those actually assembled, are opposed even to the calling a Convention. The decision of Massts. in either way, will decide the voice of this State. The minority of Penna. are extremely restless under their defeat, will endeavor at all events if they can get an assembly to their wish to undermine what has been done there, and will it is presumed be emboldened by a negative from Massts. to give a more direct & violent form to their attack. The accounts from Georgia are favorable to the Constitution. So they are also from S. Carolina, as far as they extend.

If I am not misinformed as to the arrival of some members of Congress in Town, a quorum is at length made up.⁴ Your's affectly,
Js. Madison Jr.

RC (DLC; Madison Papers). Madison, *Papers* (Rutland), 10:398.

¹ See *ibid.*, p. 350.

² George Lee Turberville's letter of January 8 is in *ibid.*, pp. 352–53.

³ For Moustier's appointment, see Madison to Ambrose Madison, November 8, note 2.

⁴ Congress assembled the following day. *JCC*, 34:1.

James Madison to George Washington

Dear Sir

N. York Jany. 20. 1788.

The Count de Moustier arrived here a few days ago as Successor to the Chev. de la Luzerne. His passage has been so tedious that I am not sure that the despatches from Mr. Jefferson make any considerable addition to former intelligence. I have not yet seen them, but am told that this is the case. In general it appears that the affairs of Holland are put into pacific train. The Prussian troops are to be withdrawn, and the event settled by negotiations. But it is still possible that the war between the Russians & Turks may spread a general flame throughout Europe.

The intelligence from Massachusetts begins to be very ominous to the Constitution. The antifederal party is reinforced by the insurgents, and by the province of Mayne which apprehends greater obstacles to her scheme of a separate Government, from the new system than may be otherwise experienced. And according to the prospect at the date of the latest letters, there was very great reason to fear that the voice of that State would be in the negative. The operation of such an event on this State may easily be foreseen. Its Legislature is now sitting and is much divided. A majority of the Assembly are said to be friendly to

the merits of the Constitution. A Majority of the Senators actually convened are opposed to a submission of it to a Convention. The arrival of the absent members will render the voice of that branch uncertain on the point of a Convention. The decision of Massachusetts either way will involve the result in this State. The minority in Penna. is very restless under their defeat. If they can get an Assembly to their wish they will endeavor to undermine what has been done there. If backed by Masss. they will probably be emboldened to make some more rash experiment. The information from Georgia continues to be favorable. The little we get from S. Carolina is of the same complexion.

If I am not misinformed as to the arrival of some members for Congress, a quorum is at length made up. With the most perfect esteem & attachment, I remain Dear Sir, Your Obedt. humble servant,

Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:399.

John Armstrong, Jr. to Charles Thomson

Sir,

New York Jany. 21st. 1788

You will be pleased to signify to Congress that I do not accept the appointment of a Judge of the Western Territory with which that Body was pleased to honor me by their Act of the 16th of October 1787.¹

I am, Sir, With much respect, Your Most Obedient & very humble servant,

John Armstrong jr

RC (DNA: PCC, item 78).

¹ For Armstrong's appointment to this post, see Thomson to the Secretary and Judges of the Northwest Territory, November 7, 1787.

Charles Thomson's Memorandum Book

[January 21–23, 1788]

Jany. 21. transmitted by Post to the President of Delaware a duplicate of Letter Oct. 18th. 1787.¹

Jany. 23. transmitted circular Letter to the States²—by Post.
to Georgia by Capt Burnham.
to South Carolina by Capt Schemerhorn.

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, December 22–28, 1787.

¹ See Thomson to the States, October 18, 1787.

² See Thomson to the States, January 23.

James White to Charles Thomson

Sir

New-York 22d January 1788

As my holding the office of superintendt. of indian affs. is incompatible with a late appointment of the state of North Carolina; I request the favor of you to lay my resignation before Congress.¹

I am, sir, your obedient servant,

James White

RC (DNA: PCC, item 78).

¹ For Congress' acceptance of White's resignation and its February 29 appointment of Richard Winn as his successor as superintendent of Indian affairs for the southern department, see *JCC*, 34:13, 54, 57, 72; and Charles Thomson to Winn, March 1, 1788.

James Madison to Rufus King

Dear Sir

N. York Jany. 23 [1788]—½ after 8 OC.

I have this instant recd. your favr. of the 16 and have but a few moments to thank you for it.¹ I have also just recd. a letter from Genl. Washington.² It contains nothing very material or new. The Genl. thinks that although there is an uncertainty in the case, the final decision will prove that a large majority in Virga. are in favor of the Constitution. If nine States should precede it seems now to be admitted on all hands that Virga. will accede. Every post confirms the opinion that the Constn. is regaining its lost ground. It is impossible to express how much depends on the result of the deliberations of your Body. The arrival of the French Minister here must have got to Boston through the Gazettes. He has been too long on the way to add much to former intelligence. It seems still possible that war may take place; though the embers are stifled for the moment. A Congs. was made for the first time on Monday, & Mr. C. Griffin has been placed in the chair.³

Adieu. Yrs. sincerely,

Js. Madison Jr

RC (NHi: King Papers). Madison, *Papers* (Rutland), 10:409.

¹ See *ibid.*, p. 376.

² For Washington's letter of January 10, see *ibid.*, pp. 357–58.

³ For the January 22 election of Virginia's Cyrus Griffin as president of Congress, see *JCC*, 34:9.

Massachusetts Delegates to John Hancock

Sir

New York 23d Jany 1788

Since we last did ourselves the honor to address Your Excellency nothing of importance has taken place until yesterday when the delegates from seven States being assembled, Congress proceeded to the choice of The Honble Cyrus Griffin Esqr for their President.¹ The States of Georgia, N Carolina, Connecticut & N Hamshire have each a member present, but are unrepresented. New York will probably make their election this week, And R Island is without a Member in Congress.

The arrival of a Minister, Count de Moustiers from the Court of France, is a fresh proof of the attention, which the United States have uniformly received, from an illustrious ally; And we are confident of Your Excellencys concurrence in the sincerest wishes, that whilst our Nation is respectable abroad, Nothing may take place that will diminish our importance at home.

We shall continue to detail to Your Excellcy from time to time, such facts as may be that of consequence to be communicated, being Very respectfully, Your Excellencys Most obed & huml Sert,

Copy

Sam. A Otis

G Thacher

Tr (M-Ar: Revolutionary War Letters).

¹ See the following entry.

Charles Thomson to the States

Sir, *Circular* Office of Secretary Congress, January 23d. 1788.

I have the honor to inform your Excellency that on Monday last Seven states assembled, namely Massachusetts, New-Jersey, Pensylvania, Delaware, Maryland, Virginia, and South Carolina, and from New Hampshire Mr Gilman, from Connecticut, Mr Wadsworth, from North Carolina, Mr White and from Georgia Mr Baldwin.¹

Yesterday Congress proceeded to the election of a President and made choice of His Excellency Cyrus Griffin.²

With great Respect, I have the Honor to be, Your Excellency's Most Obedient and Most Humble Servt., Cha Thomson

RC (Vi: Continental Congress Collection). Addressed: "His Excellency the Governor of Virginia."

¹ See JCC, 34:1.

² JCC, 34:9.

Jeremiah Wadsworth to Mehitable Wadsworth

My dear friend¹

New York Jany 23d 1788

I arrived here on Sunday Morning very much fatigued²—the roads were bad the Waggons broke down & we were very much put to it to get along. I am however very well & caught no cold. I left the Children at Farefield very tired. My love to sisters—Harriet & Faithy. I am very affectionately, Yours,
J Wadsworth³

[P.S.] Mrs Burr is unwell. I have not seen her. The Young Ladies were mortified at havg no letters from Harriet. I told them their last letters were considered as sent to drop the correspondence at which they appeared a little embarrassed & begged her to write.

RC (CtHi: Wadsworth Papers).

¹ Wadsworth had married Mehitable Russell, the daughter of the Rev. William Russell of Middletown, Conn., September 29, 1767. They had three children—Harriet (b. 1769), Daniel (b. 1771), and Catherine (b. 1774). *DAB*; and John D. R. Platt, "Jeremiah Wadsworth: Federalist Entrepreneur" (Ph.D. diss., Columbia University, 1955), p. 4.

² Wadsworth was on hand when Congress first achieved a quorum on Monday, January 21. *JCC*, 34:1.

³ Wadsworth also wrote the following brief letter to his associate Peter Colt of Hartford on January 22.

"The Ginseng is not arrived, and the India Man not going out will leave Mr Moor in a loss with that article. Flat Sud dull at 6/6 will give Curtiss a loss, as his sud was so bad nobody would buy it at any price it must be sold for Oyl.

"The India Man not going out prevents my Beef selling. This will make it necessary to call on all my friends or rather debtors for Money—& they must pay. Tell Jos. if the Snow is of[f] or the ground Bare to keep the Sheep out of the Mowing ground—& tell Cap Seymour to get if Possible twenty load of Straw." Wadsworth Papers, CtHi.

Four similar letters from Wadsworth to Colt, dated February 3, 10, 12, and 22, are also in the Wadsworth Papers, but will not be reproduced in these *Letters*.

Paine Wingate to John Sullivan

Stratham Jany 23. 1788. "I cannot excuse myself in not returning to your Excellency, before I leave home, my most grateful acknowledgements for the very polite and obliging manner in which you have introduced me to some of the most respectable characters at New York. Be pleased to accept my assurances that any influence which your Excellency shall give me by your recommendations, I will not fail to improve for the benefit of this and of the United States, whenever opportunity presents. And should it possibly ever be in my power to render to you any personal services for your repeated kind offices, I shall esteem myself fortunately happy. Agreeably to your Excellency's

proposal, I yesterday waited upon the Treasurer and received Fifty pounds for Mr. Gilman and a like sum for myself, with which I shall set out on my journey as soon as circumstances will permit, probably by Saturday or Monday next. When I reflect on expences which are unavoidable at New-York, and the smallness of the sum which I have received, I cannot but feel anxious lest Mr. Gilman will be greatly disappointed, and we both find ourselves soon in a very disagreeable situation for want of cash."

RC (ICHi: Gunther Collection).

James Madison to George Washington

Dear Sir

N. York Jany. 25. 1788.

I have been favoured since my last with yours of the 10th inst. with a copy of the Governours letter to the Assembly.¹ I do not know what impression the latter may make in Virginia. It is generally understood here that the arguments contained in it in favor of the Constitution are much stronger than the objections which prevented his assent. His arguments are forceable in all places, and with all persons. His objections are connected with his particular way of thinking on the subject, in which many of the Adversaries to the Constitution do not concur.

The information from Boston by the mail on the evening before last, has not removed our suspence. The following is an extract of a letter from Mr. King dated on the 16th inst.²

"We may have 360 members in our Convention. Not more than 330 have yet taken their seats. Immediately after the settlement of Elections, the Convention resolved that they would consider and freely deliberate on each paragraph without taking a question on any of them individually, & that on the question whether they would ratify, each member should be at liberty to discuss the plan at large. This Resolution seems to preclude the idea of amendments; and hitherto the measure has not been suggested. I however do not from this circumstance conclude that it may not hereafter occur. The opponents of the Constitution moved that Mr. Gerry should be requested to take a seat in the Convention to answer such enquiries as the Convention should make concerning facts which happened in the *passing of the Constitution*. Although this seems to be a very irregular proposal, yet considering the jealousies which prevail with those who made it (who are certainly not the most enlightened part of the Convention) and the doubt of the issue had it been made a trial of strength, several friends of the Constitution united with the opponents and the Resolution was agreed to and Mr. Gerry has taken his seat. Tomorrow we are told cer-

tain enquiries are to be moved for by the opposition, and that Mr. Gerry under the idea of stating facts is to state his reasons &c.—this will be opposed and we shall on the division be able to form some idea of our relative strength. From the men who are in favour of the Constitution every reasonable explanation will be given, and arguments really new and in my judgment most excellent have been and will be produced in its support. But what will be its fate, I confess I am unable to discern. No question ever classed the people of this State in a more extraordinary manner, or with more apparent firmness.”

A Congress of seven States was made up on Monday. Mr. C. Griffin has been placed in the chair. This is the only step yet taken. I remain with the highest respect & attachmt, Yrs affety., Js Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:419–20.

¹ See *ibid.*, pp. 357–58. For Gov. Edmund Randolph’s published letter of October 10, see Madison to Randolph, January 10, note.

² Cf. *ibid.*, p. 376.

John Eager Howard to William Smallwood

Dear Sir,

New York Jany. 27h. 1788.

Seven States being represented in Congress on Tuesday last, we proceeded to the choice of a President and Cyrus Griffin was elected. The indisposition of one member has prevented our making a Congress since that day, so that we have had no opportunity of instituting the enquiry directed by the General Assembly¹—however the commissioners of the Treasury Board have (without any request from us) inclosed us copies of a number of papers relative to the transaction, but as they do not contain all the information required by the Assembly we delay sending them forward to you until we can obtain such other papers & information as may be procured.

As the situation of my private affairs will prevent my continuing long from home, it is my duty to inform you that I can not remain here longer than the last of February; by that time one of the other Gentlemen will I hope be able to attend.

The ratification of the new federal Government by the people of Delaware, Pennsylvania and Connecticut have been r[ecd] in Congress.

The Assembly of this Sta[te] are now sitting at Poughkeepsie; nothing yet has been done relative to Government. The Convention of the Massachusets are now sitting, but as there is great opposition it is not certain that they will adopt it.

I am yr most Obed serv,

J E Howard

RC (MdHi: Howard Papers). Addressed: "His Excellency William Smallwood Esqr, Governor of Maryland, Annapolis."

¹ The Maryland delegates had been instructed to determine whether \$54,642 in state currency lately issued by the Continental loan office in Maryland had been authorized by Congress or by the treasury commissioners in fulfillment of a private contract, and whether equal sums had been issued in other states. On February 19 Congress referred the question to the treasury commissioners, who reported on the 29th that they had informed Congress generally of their intention to put new emission money in circulation and that "the Silence of Congress" in this instance "must be considered an Acquiescence in the Measure." They further pointed to their issuance of new emission money in New York (\$21,000), Pennsylvania (\$7,300) and Virginia (\$42,486). They left to the judgment of Congress whether adequate funds had been established for the redemption of the money or whether its rise in value had injured the state in favor of the contractors. See *JCC*, 34:50, 73-74. No further action appears to have been taken on the matter.

William Irvine to George Washington

Sir

New York January 27th 1788

I have been honored with your letter of the 11th instant.¹ I need not tell you how much pleasure it would give me to be able to answer your queries, to your satisfaction, but I am persuaded that no observations short of an actual survey will enable you to gratify your correspondents abroad—(particularly relative to your 3d querie) with such accuracy as to hazard any thing positively; I will however relate to you such facts, and observations as actually came within my own knowledge, as well as accounts of persons who I think may be confided in. From a place called Mahoning on the big Beaver to the falls of the Cayahoga is about thirty miles, the Country is hilley, tho not Mountainous, the chief, is called the Buck ridge in this rout, which is not high, but pretty extensive, being several miles over, a flat moist Country on the summit; in some places it inclines to be marshey and the difficulty of travelling is increased much by the roots of Buck trees with which it is heavily loaded. The Cayahago, above the great falls is rapid, rocky, and is interrupted by sundry lesser falls, on the branch that heads towards that part of the big Beaver called Mahoning. This account I had from an intelligent person, then at Mahoning, who was loading a Sloop with flour at the mouth of Cayahoga for Detroit; he added that an old Indian assured him it was not more than 15 miles from Mahoning to a navigable Creek, a few miles East of Cayahoga—that he had employed the Indian to blaise a road, and intended when that was done to explore the Country himself. I presume however this service was not performed, as this Gentlemans Men & Horses were soon after killed and his store house burned by the Savages. Captain Brady, a Partizan Officer, says that the sources of the big Beaver, Muskingum, and a large deep Creek which empties into Lake Erie, 15 or 20



William Irvine

miles above Cayahoga, are within a very few miles of each other, (perhaps four or five) and that the Country is level. Several other persons of considerable credibility and information, have assured me the portage between Muskingum, and the Waters falling into the Lake, in wet seasons—do not exceed 15 miles—some say two miles, but I believe the first is the safest to credit.

At Mahoning, and for many miles above and below, I found the general course of the Beaver to be East & West, from which I concluded this place to be the nearest to the main branch of Cayahoga—and on comparing the sundry accounts I am led to think, that, the shortest communication between the Waters of Beaver, Muskingum, and Lake Erie, will be found to lie East and west of Cayahoga. I have also been informed by a young Gentleman of veracity, that the sources of the grand River (laid down in Hutchins's Map) and a branch of Beaver which falls into Big Beaver, called Shingango, are not more than twelve miles apart—the Country hilly—I know this to be a fine Boatable stream its confluence with the Big Beaver about 20 miles from the Ohio. I dropped down the Beaver from Mahoning to the great fall about seven miles from the Ohio, in a Canoe on the first of July without any difficulty—it is true that at this season when all the western waters are remarkably low, some small riffles appear—but nothing to cause any material obstruction. The great falls appear at first view impracticable, at low water; indeed too tremendous, at any season, notwithstanding it has been passed at all seasons. I met two men in a flat Boat a few miles above, who had carried their Cargo half a mile on shore and then warped up the empty Boat—they set with poles the rest of the way to Mahoning. This Boat carried about a ton and a half—but at some seasons there will undoubtedly be water sufficient for Boats with five tons in. Canoes tis said have ascended 25 miles higher than Mahoning, which must certainly be very near one branch of Muskingum—as it continues a westerly course—and this most Easterly branch of that River, it is agreed by all who have been in that quarter approaches very near to waters falling into Lake Erie. All agree likewise that the Rivers north of the dividing ridge are deep and smooth the Country being flat, particularly those west of the Cayahoga.

Following the Indian path, which generally keeps in the low ground, along the River, the distance from the mouth of Big Beaver to Mahoning is 50 miles, which with the 30 computed from thence to Cayahog makes 80. But I am certain a much better road will be found by keeping along the high grounds which divide the waters of the big, and little Beaver, and the distance shortened at least 20 miles—but this digression I must beg your pardon for. To your 4th querie I flatter myself I shall be able to afford you more satisfaction, as I think I can point out a more practicable and easy Communication by which the

articles of trade you mention, can be transported from Lake Erie, to the Ohio, than any other hitherto mentioned—at least untill Canals are cut. This is by a branch of the Alegheny, which is Navigable by Boats of considerable burden to within 8 miles of Lake Erie. I examined the greatest part of this communication myself, and such as I did not, was before and subsequent to my being there, by persons whose account can scarce be doubted. From Fort Pitt to Venango by land on the Indian, & French, path is computed to be 90 miles—by water it is said to be at least a third more; but as you know the Country so far, I will forbear giving any account of it—but proceed to inform you that I set out from Vinango and traveled, by land, tho frequently, on the beach or within high water mark—(the Country in many places being almost impracticable for a Horse) to the Confluence of a branch or Creek called Caniwagoo, about 65 miles from French Creek. The general course of the River between these two Creeks is North East—the course of Caniwagoo is very near north—it is upwards of 100 yards wide 30 miles up from the mouth to a fork—deep and not very rapid—to this fork the navigation is rather better from Vinango, than from thence to Fort Pitt.

I traveled about 25 miles a day, two Indians pushed a large Canoe loaded, and encamped with me every night; as the River is crooked I think it must have been near 40 miles by water. One fork of the Canewago continues a north direction about 7 miles to a beautifull Lake, this Lake is noticed in Hutchins map by the name Lake Jadaqui, but is badly executed—it extends by the best information I could obtain, to within 9 miles of Lake Erie—is from one quarter to two miles broad, and deep enough. I was taken sick which prevented my intended Journey to Lake Erie. The following account I had from an Indian Chief of the Seneca tribe—as well as from a white Man named Mathews, of Virginia, who says he was taken by the Indians at the Canhawa in the year 1777, he has lived with the Indians since that time; as far as I could Judge he appeared to be well acquainted with this part of the Country. I employed him on this tour as interpreter. That from the upper end of Jadaqui Lake, to Lake Erie, is not more than 9 miles along the path, or road, for they with great confidence assured me that there was formerly a Carriage road between the two Lakes. The Indian related this, that he was about fourteen years old when the French first went to establish a post at Fort Pitt—That he accompanied an Uncle of his a Chief Warrior, who attended the French on that occasion, that the head of Lake Jadaqui was the Spot the Detachment embarked at; that they fell down all the way to Fort Pitt without obstruction—in large Canoes, with Artillery, Stores, provision &c. He added that French Creek was made the communication afterwar[d]s—for what reason he could not tell—but always wondered at it, as he expressed himself, knowing this other to be so

much better. This Seneca also related a number of circumstances to corroborate, and convince me of the truth of his account—among which the most remarkable are—That he was constantly employed by the British last war in this quarter had the rank of Captain—that he Commanded the party who were defeated up the Aligheny by Col. Broadhead—That in the year 1782 a Detachment, composed of 300 British and 500 Indians were formed, and actually embarked in Canoes on Lake Jadaqui—with 12 pieces of Artillery, with an avowed intention to attack Fort Pitt. This Expedition he says was laid aside occasioned by reports of the repair & strength of the place, carried by a person from the neighborhood of the Fort. They then contented themselves with, the usual mode of sending small partys on the frontiers, one of whom burned Hannas town. I recollect very well that in August 1782 we picked up a number of Canoes, which drifted down the River—and I received repeated accounts in June & July—as well from friendly Indians, who I employed as from a Canadian who Deserted to me, of this armament, but I never knew with precision, before this account, of the spot of formation. Both the Seneca and Mathews wanted to conduct me as farther proof of their veracity—to where an Iron four pounder lies on the bank of Jadaqui Lake—which the Indian says was left there by the French. Major Finley who has been in that Country since I was, informs me he saw the Gun. Mathews wished me much to explore the East fork of Caniwagoo—but the reason already mentioned prevented me—his account is—that it is navigable about 40 miles up from the Junction with the North or west branch, it suddenly terminates in a Swamp—which is half a mile wide—that on the north side of this swamp, a very large Creek has its source, called Cateraqui, which falls into Lake Erie about 40 miles from the head, that he has three several times been of a party—who went up the one & down the other, carrying the Canoe over the swamp only—he added that Cateraqui waters much the finest Country between Niagara and Presque Isle.

A letter has been lately published in a Philadelphia News paper, written by one of the Gentlemen who was employed last summer in running a boundary line between New York and Pennsylvania, which I think supports the foregoing accounts very much—his words are as near as I can recollect “We pushed up a large branch of the Alegheny called Caniwango, to a beautiful Lake Chataghque—(so he spells the names) which is from one half mile to three or four broad, and upwards of twenty long; the Country is level and land good to a great extent on both sides. We ascended the dividing ridge between this and Lake Erie, from this place a most delightfull prospect was open to us.” Here he dwells on the scene and future prospects of grandeur & ca not to the present purpose, but concludes by saying that in his opin-

ion "the waters of Lake Erie can not be brought to the Ohio as the summit of the dividing ridge is 70 feet higher than that Lake but we continued along the common path to Lake Erie which is only nine miles though the path is crooked—a good waggon road may be made which will not exceed seven miles as the hill is not steep." This Gentleman has overlooked the Eastern branch which is extraordinary if his view was to find out a communication as there is very little difference in the size of the two at the Junction. I suppose the Commissioners have reported to the Executives of New York & Pennsylvania—which I doubt not I can have access to. If I find any thing more particular than what is herein mentioned, I will inform you.

I am sorry this detail has been spun out to such length, as I doubt will rather weary than afford you real satisfaction, but being obliged to blend other persons information with what came within my own knowledge, rendered it in some degree unavoidable.

I have the honor to be, with the greatest respect, Sir, Your Excellency's Most Obedient Humble Servant,
Wm. Irvine²

RC (DLC: Washington Papers).

¹ For Washington's January 11 letter, a transcript of which is in the Washington Papers, DLC, see Washington, *Papers* (Abbot), Confederation Series, vol. 6, forthcoming.

² Irvine also wrote the following letter, concerning a legal matter, which is dated "New York Feby. 14th 1788," to Messrs. "Bradford & Wilson"—apparently William Bradford, Jr., the attorney general of Pennsylvania, and James Wilson, the Pennsylvania delegate to Congress.

"I understand that the referees, in the cause depending between Hamilton and the Executors of Callender, have reported, two opinions, leaving the Court to decide which will be accepted. I have been informed that what led the Gentlemen to this kind of report, was the diversity of opinion—of sundry Gentlemen of the law who they consulted. I have the most perfect confidence in the integrity, and rectitude of all the Gentlemen—yet I can not but regret that they could not find themselves at liberty to give a positive report whatever appeared to them equitable—and if the Court have not yet determined I hope it will be referred back to the Gentlemen, without any other direction than to report finally, according to equity and their Judgment. I will be much obliged by your taking the trouble to enquire what has been done, particularly whether final Judgment has been passed—on the report or award of the Referrees—in the cause between Hamilton & Callenders Executors. I have the most perfect confidence in the integrity and honor of all the gentlemen—but being so convenient to Hamilton, I have every reason [to] be convinced he would watch every opportunity to harrass and embarrass them, with opinions of Gentlemen of the Bar &c. One instance of this kind happend, in my presence—at the first meeting of the referees. I mean a written opinion of Mr Bird—which I doubt not was dictated by Mr. Yates—all which I took to be improper.

"But perhaps you are already informed of all the circumstances relative to the business. I beg the favor of either of you Gentlemen to write me a short state—alter which I may probably be able to inform you of some matters that will be in our favor if it has not gone too far, to obtain any alteration in the proceedings. If I am well informed it would probably be most favorable for us, if the first report or award was referred back to the same Gentlemen—with directions to report positively—but of this you will be the best Judge." Founders Collection, PCarID.

James Madison to Edmund Randolph

My dear friend

N. York. Jany. 27. 1788.

A Congress was made for the first time on Monday last and our friend C. Griffin placed in the chair. There was no competition in the case which you will wonder at as Virginia has so lately supplied a president.¹ N. Jersey did not like it I believe very well, but acquiesced.

I postponed writing by the last mail, in hopes of being able by this to acquaint you with the probable result of the Convention of Massts. It appears however that the prospect continues too equivocal to justify a conjecture on the subject. The representations vary somewhat but they all tend to excite rather than diminish anxiety. Mr. Gerry had been introduced to a seat for the purpose of stating facts. On the arrival of the discussion at the article concerning the Senate, he signified without being called on that He had important information to communicate on that subject. Mr. Dana & several others remarked on the impropriety of Mr. G——y's Conduct. G—— rose to justify. Others opposed it as irregular. A warm conversation arose & continued till the adjournment; after which a still warmer one took place between Gerry & Dana. The members gathered around them, took sides as they were for or against the Constitution, and strong symptoms of Confusion appeared. At length however they separated. It was expected that the subject would be renewed in the Convention the next morning. This was the State of things when the post came off.

In one of the papers enclosed you will find your letter to the Assembly reviewed by some critic of this place. I can form no guess who he is.² I have seen another attack grounded on a comparative view of your Objections, Col. Masons & Mr. Gerry's. This was from Philadelphia.³ I have not the paper or I would add it.

With the sincerest affection & attachment, I remain my dear Sir Yrs.
Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:433.

¹ Richard Henry Lee had presided over Congress from November 30, 1784, to November 23, 1785.

² A favorable critique by "Americanus" (no. VII) of Randolph's October 10 letter to the Virginia assembly had appeared in the January 21 issue of the New York *Daily Advertiser*. For the identification of New Jersey's John Stevens, Jr. (1749–1838), as the author, see *Doc. Hist. of Ratif.*, 13:486n, 14:182n, 15:120n.

³ For Tench Coxe's essay under the pseudonym "Philanthropos," see Madison to Coxe, January 20, note 2.

James Madison to Eliza House Trist

New York Jany. 27. 1788.

Yours of the 23d instant by Mr. Jay has been delivered to me; but I have not yet been to thank him for it. I have had a cold which made me extremely hoarse, but did not otherw[ise] affect me much. At present I am clear even of that inconvenience. I hope this will find you equally recovered from your indisposition. I have not made a trial of my french with the Marchioness¹ yet, thou[gh] I have seen her twice; nor shall I venture to do so. She s[peaks lit]tle of our language, and in that a sort of conversati[on . . .] up. Mr. Jefferson speaks of her as goodness itself;² and [. . .] fully repay him. She is extremely plain in her dress a[nd man]ners, and cannot fail when she becomes more familiar with our languag[e] to be agreeable to every body. Her person is very small; but [her] features are or perhaps have been pretty. We have had a [Con]gress since Monday last. The Newspapers will have pro[claimed] Mr. C. Griffin as President. Your friend Col. Wadsworth [is a mem]ber and has been here about a week. I have not yet se[en] L. M.—s publication of which you give so flattering an account.³ It is impossible I think that he can be a very formidable [ad]versary to the Constitution; though he will certainly be a very noisy one. I had a letter a few days ago from Mr. Randolph. He w[as well] and said nothing as to Mrs. Randolph's being otherwise. I expected another letter by the mail of Saturday but it is not yet arrived. As yet the new plan of Riders is less punctual than the Stages were.⁴ I do not find however that any of my letters miscarry altogether. Should it be the fate of this the loss will not be very great to you.

Adieu,

Js Madison Jr.

[P.S.] Mr. Duane is at present attending at Poughkeepsy as a member [of th]e Legislature.

Reprinted from Madison, *Papers* (Rutland), 10:434.

¹ That is, the marquise de Bréhan, sister-in-law to the new French minister, the comte de Moustier, whom she had accompanied to America in part to improve her health.

² See *ibid.*, p. 187.

³ Luther Martin, together with three of his fellow Maryland attendees at the Philadelphia Convention (Daniel Carroll, Daniel of St. Thomas Jenifer, and James McHenry), had delivered a speech on the convention's proceedings before the Maryland House of Delegates on November 29, for which see *Doc. Hist. of Ratif.*, 14:278–96. His speech was expanded, reorganized, and published in twelve installments in the Baltimore *Maryland Gazette* between December 28 and February 8. See *ibid.*, 15:146–56, 204–10, 249–56, 296–302, 348–53, 374–80, 410–14, 433–37, 494–97, 16:8–14, 39–42, 89–93. These install-

ments were reprinted in April as a separate pamphlet under the better-known title *The Genuine Information, Delivered to the Legislature of the State of Maryland, Relative to the Proceedings of the General Convention Lately Held at Philadelphia* (Philadelphia: Eleazer Oswald, 1788). See Evans, *Am. Bibliography*, no. 21,220; and *Doc. Hist. of Ratif.*, 17:83-85.

⁴ As a result of experiences with the southern mails, Congress had resolved on October 15 to permit postmaster general Ebenezer Hazard "to contract for the transportation of the mail for the year 1788 by stage carriages or horses as he may judge most expedient and beneficial; provided that preference is given to the transportation by stages to encourage this useful institution." See *JCC*, 33:508n, 531-33, 536, 684.

John Brown to James Breckinridge

Dear Breckinridge

New York January 28th. 1788

In your last you promised to write to me from Richmond, have heard of your being there but have expected your letter in vain. I was the more anxious to receive it expecting it might contain some account of the Proceedings of the Assembly concerning which have had very imperfect information; but suppose your hurry of Business has prevented your writing. I must request that you will write to me more frequently, be assured that the regular Correspondence of a Relation & Friend for whom I have the greatest Affection & esteem would add very much to my Happiness.

We have at length formed a Congress but as only Seven States are yet fully represented no Business of Consequence has been taken up. I shall bring forward the Kentucky Address at as early a Period as possible, from the soundings which I have been able to make, have sanguine hopes of Success; but with me it is an Object of such consequence that I shall not be free from Anxiety untill it is finally determined.¹ I think little is to be feared from the Project for ceeding the Navigation of the Mississippi to Spain almost a total change of Sentiment upon that Subject has taken place, the Opposition has acquired great Strength from the Sales of Western Territory; many Inhabitants of the Eastern States of great Influence & powerfull Connections have become Adventurers in that Country & are now engaged in forming Settlements at Muskingum, Miamia &c. The fate of the New Constitution becomes every day more precarious. Connecticut & the Three States south of this have adopted it. In this it will meet with Opposition. The Convention of Massachusetts is now sitting but the event of their deliberations is extremely doubtful—such warmth has already prevailed as had well nigh ended in total confusion—both parties are equally confident of Success. Should it be rejected in that state I fear the consequences will be fatal to the Plan. The hope of its succeeding is the only Prop which at present supports the Feederal Government. If it was finally rejected I fear we should immediately experience the dire effects of Anarchy & the total dissolution of our Confederacy. But

we will not yet despair. There is still room to hope.² Count Mutiers, Ambassador from [France], arrived here a few days past, he is shortly to be recd. by Congress we shall have much Scraping & Bowing no doubt.³ Peace is established in Europe. If you have had any information from our Relations in Botetourt or Montgomery pray communicate it to me; In what manner could Letters be conveyed into that Country? My Complts. to Jimmy I wrote to him last post.

Adieu, live contented & happy,

J Brown

RC (ViU: Breckinridge Papers in the collections of the Albemarle County Historical Society).

¹ For the fate of Kentucky's application for statehood, see Edward Carrington to Thomas Jefferson, November 10, note 3.

² Kentucky's attitude toward the proposed Constitution was explored in a February 20 letter of attorney general Harry Innes to Brown, for which see *Doc. Hist. of Ratif.*, 16:152–53.

³ For the official reception of the comte de Moustier, see Paine Wingate to John Sullivan, February 16, note 3.

James Madison to George Washington

Dear Sir

New York Jany. 28. 1788

The information which I have by the Eastern mail rather increases than removes the anxiety produced by the last. I give it to you as I have recd. it in the words of Mr. King.¹

Boston 20. Jany. 88

"Our Convention proceeds slowly. An apprehension that the liberties of the people are in danger, and a distrust of men of property or education have a more powerful effect upon the minds of our opponents than any specific objections against the Constitution. If the opposition was grounded on any precise points, I am persuaded that it might be weakened, if not entirely overcome. But every attempt to remove their fixed and violent jealousy seems hitherto to operate as a confirmation of that baneful passion. The opponents affirm to each other that they have an unalterable majority on their side. The friends doubt the strength of their adversaries but are not entirely confident of their own. An event has taken place relative to Mr. Gerry, which without great caution may throw us into confusion. I informed you by the last post on what terms Mr. Gerry took a Seat in the Convention. Yesterday in the course of debate on the Construction of the Senate, Mr. G. *unasked*, informed the Convention that he had some information to give the Convention on the subject then under discussion. Mr. Dana and a number of the most respectable members, remarked upon the impropriety of Mr. G——s conduct. Mr. G. rose with a view to justify himself. He was immediately prevented by a number of ob-

jectors. This brought on an irregular conversation whether Mr. G. should be heard. The Hour of adjournment arrived and the President adjourned the House. Mr. Gerry immediately charged Mr. Dana with a design of injuring his reputation by partial information, and preventing his having an opportunity to communicate important truths to the Convention. This charge drew a warm reply from Mr. Dana. The members collected about them, took sides as they were for or against the Constitution, and we were in danger of the utmost confusion. However the gentlemen separated, and I suppose tomorrow morning will renew the discussion before the Convention. I shall be better able to conjecture the final issue by next post."

There are other letters of the same date from other gentlemen on the spot which exhibit rather a more favorable prospect. Some of them I am told are even flattering. Accounts will always vary in such cases, because they must be founded on different opportunities of remarking the general complexion; where they take no tincture from the opinions or temper of the writer.

I remain Dear Sir with the Most perfect esteem & attachment, Your Obedt. servt.,

Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:437-38.

¹ Cf. *ibid.*, pp. 400-401.

James Madison to Tench Coxe

Dear Sir

N. York Jany. 30. [1788]

I have been favored with two letters from you, one containing 2 copies of the freeman, the other a pamphlet & letter for Mr. King.¹ The latter will be forwarded this evening, as will also the former which did not arrive in time for the preceding mail. What goes by name of consolidation in Pena. is I suspect at the bottom of the opposition to the New Govt. almost every where; and I am glad to find you engaged in developing the subject. I inclose some papers² in which it has been taken up here, that if any hints are contained in them, they may be pursued in your enquiry.

There is certainly a favorable change taking place in Virga. on the subject of the Constitution. Several converts of influence have been named to me. I had heard also that Col. R. H. Lee was relaxing in his opposition, if not in his opinions. The authority from which I have it is such as almost to overcome the improbability of the thing.³

Our anxiety for the event in Masts. was not relieved by the last mail. No decisive index had appeared of the relative force of parties. Some letters are flattering, others discouraging, and others again totally skeptical. My hopes & apprehensions are pretty nearly balanced by the sum of the probabilities on each side, tho' with rather a preponderancy on the favorable side.

With great esteem I am Dr Sir, Yr. Obed hble servt.,

Js. Madison Jr.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:444–45.

¹ For Coxe's letters of January 16 and 23, see *ibid.*, pp. 375, 409–10. His first essay under the pseudonym "A Freeman" had been published in the *Pennsylvania Gazette* for January 23, for which see *Doc. Hist. of Ratif.*, 15:453–58. For the "pamphlet" intended for Rufus King, see Madison to Coxe, January 20, note 1.

² That is, essays no. 44 and 45 by "Publius," which Coxe acknowledged the receipt of in his letter of February 6. See Madison, *Papers* (Rutland), 10:420–25, 428–32, 473.

³ The "authority" was Washington, for whose January 10 letter see *ibid.*, pp. 357–58.

Nicholas Gilman? to Unknown

[New York, January ? 1788]

"The account you saw in the newspaper respecting the SALE OF THE WESTERN LANDS must have been erroneous. There was about one hundred and twenty thousand acres of the first surveys that went off at the average price of about one dollar per acre; and what has been contracted for at two thirds of a dollar per acre will amount to near seven million dollars, to be paid at different periods. There are still great tracts of land belonging to the United States in the western country; but how long the rage for purchasing will continue, or what proportion of the domestic debt will be absorbed in this way is very uncertain. The States have a right to look to North-Carolina and Virginia for large cessions of territory, and should they comply, there will be land enough, if they can find purchasers, to sink the whole. But as this depends on the nature of our Government and various circumstances, it is difficult to foresee what will take place."

Reprinted from the *Albany Journal*, February 2, 1788, where it was printed under the heading: "Albany, February 2. Extract of a letter from a gentleman in Congress to his friend in Exeter, New-Hampshire." No additional information on the date or the identity of the writer and recipient of this letter has been found. Nicholas Gilman, whose home was in Exeter, was the only New Hampshire delegate attending Congress from October 1787 to January 1788. And the sale of western lands, the subject of this letter, was also a topic of interest in Gilman's letters to John Langdon of October 23 and to John Sullivan of October 31.

James Madison to George Washington

Dear Sir

N. York Feby. 1. 1788

The Eastern Mail which arrived yesterday brought me a letter from Mr. King, of which a copy follows.¹ "Our prospects are gloomy, but hope is not entirely extinguished. Gerry has not returned to the Convention, and I think will not again be invited. We are now thinking of Amendments to be submitted not as a condition of our assent & ratification, but as the Opinion of the Convention subjoined to their ratification. This scheme may gain a few members but the issue is doubtful."

In this case as in the last Mr. King's information is accompanied with letters from other persons on the spot which dwell more on the favorable side of the prospect. His anxiety on the subject may give a greater activity to his fears than to his hopes; and he would naturally lean to the cautious side. These circumstances encourage me to put as favorable a construction on his letter as it will bear.

A vessel is arrived here from Charlestown which brings letters that speak with confidence of an adoption of the *foedl* Government in that State; and make it very probable that Georgia had actually adopted it. Some letters on the subject from N. Carolina speak a very equivocal language as to the prospect there.

The French Packet arrived yesterday. As she has been out since early in November little news can be expected by her. I have not yet got my letters if there be any for me and I have heard the contents of no others.

I remain Dr Sir with the utmost respect & attachment Yr. Affec.
servt., J. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:455.

¹ Cf. *ibid.*, p. 411.

James Madison to George Washington

Dear Sir

N. York Feby 3d. 1788.

Another mail has arrived from Boston without terminating the conflict between our hopes and fears. I have a letter from Mr. King of the 27 which after dilating somewhat on the ideas in his former letters, concludes with the following paragraph.¹ "We have avoided every question which would have shewn the division of the House. Of consequence we are not positive of the numbers on each side. By the last calculation we made on our side, we were doubtful whether we ex-

ceded them or they us in numbers. They however say that they have a majority of eight or twelve against us. We by no means despair." Another letter of the same date from another member gives the following picture.² "Never was there an assembly in this State in possession of greater ability & information than the present Convention—yet I am in doubt whether they will approve the Constitution. There are unhappily three parties opposed to it. 1. All men who are in favour of paper money & tender laws; those are more or less in every part of the State. 2. All the late insurgents & their abettors. In the three great western Counties they are very numerous. We have in the Convention 18 or 20 who were actually in Shay's army. 3. A great majority of the members from the Province of Main. Many of them & their Constituents are only squatters upon other people's land, and they are afraid of being brought to account. They also think though erroneously that their favorite plan, of being a separate State will be defeated. Add to these the honest doubting people, and they make a powerful host. The leaders of this Party are a Mr. Wedgery, Mr Thomson, & Mr Nason from the province of Main—A Doctr. Taylor from the County of Worster & Mr. Bishop from the neighbourhood of R. Island. To manage the cause agst. them are the present and late Govr., 3 Judges of the supreme Court—15 members of the Senate—20 from among the most respectable of the Clergy, 10 or 12 of the first characters at the bar, Judges of probate, High Sheriffs of Counties & many other respectable people, Merchants &c—Genls. Heath, Lincoln, Brooks & others of the late army. With all this ability in support of the cause, I am pretty well satisfied we shall lose the question, unless we can take off some of the opposition by amendments. I do not mean such as are to be made conditions of the ratification, but recommendatory only. Upon this plan I flatter myself we may possibly get a majority of 12 or 15 if not more."³

The Legislature of this State has voted a Convention on June 17.

I remain Yrs. most respectfully & Affecly., Js Madison Jr

RC (DLC; Washington Papers). Madison, *Papers* (Rutland), 10:464–65.

¹ Cf. *ibid.*, p. 437.

² For Nathaniel Gorham's letter of January 27, see *ibid.*, pp. 435–36.

³ Prospects for ratification of the Constitution in Massachusetts was also noted in the following February 4 delegate letter which appeared in the February 7 issue of the *Pennsylvania Packet* under the heading "Extract of a letter from a Member of Congress at New-York, Feb. 4."

"By letters from Massachusetts, the delegates from that state are in hopes that there is little danger of that state's acceding to the constitution, though at first setting of their convention the contrary was apprehended.

"The New-Yorkers have fixed a day in April for a convention [*actually June 17—April 29 was the date set to elect delegates to the convention*] by a majority only of three in the senate, and two in the other house."

Charles Thomson to Thomas FitzSimons

Dear Sir

New York Feby 3. 1788

Though the Asia was obliged to sail without sea letters, yet as Mr J Mifflin informed me that the owners wished to be supplied with them & meant to send them after by some other vessel, I embraced the earliest Opportunity of procuring and now sent [send] enclosed the sea letter for the Asia.¹ I am sorry that the non attendance of the members has delayed this so long,² but hope in time a remedy will be found for this as well as other defects in the Administration of the public concerns of the Union.

Mrs. T joins in Compliments to Mrs. Fitzsimmons & your self, Sr,
Your obedient humble Servt, Cha Thomson

RC (DLC: Continental Congress Miscellany).

¹ For this February 1 action, see *JCC*, 34:11–12.

² See Thomson to FitzSimons, November 5, 1787. See also Thomson to the States, February 15.

Samuel A. Otis to James Warren

Dear Sir

New York Feby 6 1788

I wrote you in my last¹ that a few days after my arrival here, which was 17 Novr, the Secretary of Congress notified the States that were unrepresented, to send forward their delegates; But as I suppose, the approaching convention of several States was so interesting, that no representation took place until 21st Jany, & then of only seven States; N Hamshire, Connecticut, N Carolina, & Georgia, having only one, & N York, & R Island none.

The apprehension of an Indian War, you are sensible is not groundless; Georgia having made a formal declaration, having 4500 men raised & raising. Reports indeed are that, the Indians either suppose, or they really are, ill used by the Georgians & N. Carolinians; That such are their resentments, whether well or ill founded, that they never will again be at peace with them; But if this is the fact, & Georgia & N Carolina would make the cession, that the other States have done, agreeably to repeated calls of Congress, The United States could consistantly adopt the business; And the Indians having no prejudices against the foederal Government, might probably be induced to treat with the Commissioners of the USA, upon terms much more advantageous, than with those against whom they are highly irritated; But altho the USA have already expended as much to defend Georgia, as the whole State upon a fair valuation would sell for, She delays mak-

ing her cession, And expects the USA go on conquering, more Indian Lands for her emolument.

You see by the papers a scramble has taken place, between the emigrants to the Western waters & the Spaniards, in which some blood has been spilt; I wish the rashness of some of these people dont bring us into great embarrassment.

The State of Virginia I see by the papers have passed an act very unfriendly to one of our principal manufactories (if distilling may come under that denomination) by laying a duty, equal to prohibition, upon N E Rum, in common with all *foreign* Spirits; We take from them large parcels of flower, of grain & tobacco, Why therefore so little tenderness is shewed to our distilleries ought to be a subject of serious enquiry.²

The Situation of the Western Lands of Massachusetts, is critical; besides transient encroachers, who once on it will be extremely difficult to remove, the formidable & systematic effort to get possession under Indian leases, cannot but be a serious object—And I cannot but be of opinion the Treaty proposed by Govr Clinton would have had a beneficial effect. It would have evinced to the Jobbers under Indian Grants, & others, that we were not inattentive to our interests, and have tended to discourage their practices; It would also have tended to efface prejudices, which I am well informed interested men have very industriously created, in the minds of the Indians, and particularly against the people of Massachusetts: And moreover the earliest attention should be paid to the business of the Western Lands, because the other States so well as the USA, having vast quantities of Lands for sale, it seems to be poor policy to pos[t]pone the sales of ours, until all the best purchasers are supplied, with the allotments of N York, Pennsylvania & Fœderal lands: Indeed we suffer much for want of a speedy permanent system of disposition in regard to our unlocated lands, And every State out strips us in this business.

I need not enlarge upon the weak state of the Fœderal Government; Many circumstances contribute to debase its dignity. The Tre[a]sury of the USA being without supplies, Their troops stationed to secure the frontiers, and the Civil list of Congress destitute of provision; And even the small pittance necessary for the subsistence of the Presidents household, even in the most eligible stile, of republican neatness & simplicity, only attainable from other inadequate appropriations; Are facts which evince the most degrading poverty in the fœderal Government—And how can it be otherwise? Massachusetts in the last sessions resumed all the provision she had made for support of the Union—Virginia at the same time withdrew her supplies. In this situation without any provision for a growing foreign & domestic debt, can it be wondered at that a Government, not destitute indeed of resources, but so supine in her application of them, should be viewed in

a ridiculous light by her own Citizens, & a contemptible one by other Nations? Every good Citizen feels himself hurt by the indignities his Country is liable to in this humiliating predicament both at home & abroad. Under these circumstances however Congress thot it their duty at least to preserve the forms, & proceeded to the election of Cyrus Griffin Esq their President on 22d Jany, but being only seven states represented, the more important business is necessarily deferred.³

The arrival of the minister from the Court of France⁴ is an additional attention, to the many acts of friendship experienced from a generous ally; But when he comes to remind us, & that in very pressing terms, of large ballances long since due, both for principal & interest, we cannot make him such a reply as friendship or good policy dictate.

Congress have it in Contemplation to adjourn in the Spring, And efforts will be made to get the place of adjournment to Philadelphia, but this will be opposed; I wish for the opinion of my judicious friend upon this subject; Possibly it might prevent a Seat more Southward.

The Commissioners under the Resolve 29 Sept 1786⁵ have finished runing the Line East of Hudsons river between Massachusetts & New York, have filed their report plan &c in the Secretarys office,⁶ And an accurate delineation of the business was done by a Mr Thomson, which occupying him 30 days he demands 70 dolls for; And as *this* can never go out of the Office of Congress have conversed him upon the subject of drawing out another plan, from the field book, and for which he demands sixty, but perhaps may be induced to take fifty dollars; I did not chuse to engage him absolutely until I have authority therfor, but should advise by all means to have it executed; And as it is a work of time, a speedy answer would be best.

Copy of the Surveyors report is transmitted.

I am, Dear Sir, Yours very sincerely,

Sam. A Otis

RC (M-Ar: Revolutionary War Letters).

¹ Not found.

² The January 1 Virginia Revenue Act that disturbed Otis specified the following duties—"upon every gallon of rum, one shilling; every gallon of other distilled spirituous liquors, one shilling; every gallon of Madeira wine, one shilling and six-pence; every gallon of wines, other than Madeira, one shilling." See Hening, *Statutes*, 12:414.

³ See *JCC*, 34:9-11.

⁴ See Paine Wingate to John Sullivan, February 16, note 3.

⁵ Actually, 1785. See *JCC*, 29:781-86.

⁶ Thomas Hutchins's February 4 letter enclosing this report is in PCC, item 60, fols. 327-30. It is endorsed: "read Feby 5th 1788. The report, plan & field notes filed in a roll—Iron chest." Nothing further about the survey has been discovered, but for the background of the issue and the appointment of the surveyors, see these *Letters*, 22:590-93n.3, 23:54-5, 57-8. See also the following entry, note 14.

Charles Thomson's Memorandum Book

[February 7–29, 1788]

Feb'y. 7. Genl. St Clair—his Commission—Governour of the Western territory¹—delivered to—²

Feb'y. 12th. transmitted to the Office f. f. Affairs to be filed (see rect.)

Letters from Mr Dumas Sept. 5th & 28th 1787³ (see infra)

Letters from Mr Carmichael, Augt. 19th, July 3d 1787.⁴

Letters from Mr Jefferson, Sept. 19th, 22d, 22d, Oct. 8th, Oct. 27th, Sept. 24th, Novr. 3d, Novr. 7th, 1787⁵

Letter from Mr Adams—Oct. 9th, 1787⁶

Letters from Col. Wm. S. Smith, Sept. 12th, Oct. 16th, Oct. 17th, 1787⁷

Letter Augt. 2d, 1787 from Queen of Portugal⁸

Letter Oct. 17th & 26, 1787 from Mr Dumas.⁹

Letter Oct. 15th, 1787 from Marquis La Fayette¹⁰

from Chevalier La Luzerne without date¹¹

Letter Decr. 7th, 1787 from Sr John Temple.¹²

Feb'y. 15. Transmitted circular Letter Feb'y. 15th, 1788, except to South Carolina & Georgia.¹³

Feb'y. 20th. To the Delegates of Massachusetts—copies of the Report of the Commrs. for running a boundary line between Massachusetts & New York—& their field Notes—& copy of entry on the Journal.¹⁴

Feb'y. 28th. Transmitted circular Letter Feb'y. 15th 1788 to Govrs. of South Carolina & Georgia by Capt. Burnham¹⁵

Feb'y. 29th. Transmitted to Richard Winne Esqr. of Charleston his appt. as Super Intendt. of Indian Affairs & Commission¹⁶—

Ordinance for the regulation of Indian Affairs¹⁷—

Act Oct. 26th, 1787, appg. Commrs. & Instructions¹⁸—

Act fixing the salary¹⁹—

Act fixing the period of his services²⁰—

& copy of Letter Oct. 27th, 1787, to the Govrs. of NC, SC & Georgia²¹—delivered to the Delegates of South Carolina.

MS (DNA: PCC, item 187). In the hand of Roger Alden. A continuation of Thomson's Memorandum Book, January 21–23, 1788.

¹ See *JCC*, 33:698–99.

² Blank in MS.

³ These Charles W. F. Dumas letters are in PCC, item 93, 3:291–93, 303–5. For translations, see PCC, item 115B, fols. 3884–85, 3887–88.

⁴ These William Carmichael letters are in PCC, item 88, fols. 496–503.

⁵ For these Thomas Jefferson letters, see Jefferson, *Papers* (Boyd), 12:150–54, 165–67, 171, 214–18, 293, 309–16, 330. In addition to writing two letters on September 22, Jefferson also wrote two on October 8 and November 3 although not noted here. Only a transcript of one of Jefferson's November 3 letters is in PCC.

⁶ See PCC, item 84, 6:535–38.

⁷ See PCC, item 92, fols. 304–19, 355, 375–77.

⁸ For this letter of Maria I, see *ibid.*, fol. 351.

⁹ These Dumas letters are in PCC, item 93, 3:279–81, 311–12; translations are at PCC, item 115B, fols. 3889–90, 3893.

¹⁰ See PCC, item 156, fols. 462–65.

¹¹ This undated letter, with a translation, is at PCC, item 96, fols. 396–99.

¹² See PCC, item 92, fol. 535.

¹³ See Charles Thomson to the States, February 15.

¹⁴ See *JCC*, 34:25–26. No copies of the commissioners' report or field notes have been found in the PCC, but for the purpose for which they were borrowed, see Massachusetts Delegates to John Hancock, May 27, 1788. For the background of this issue and the appointment of the commissioners, see the preceding entry, note 6.

¹⁵ See note 13.

¹⁶ See *JCC*, 34:72.

¹⁷ *JCC*, 31:490–93.

¹⁸ *JCC*, 33:707–11.

¹⁹ *JCC*, 31:503.

²⁰ *JCC*, 34:57.

²¹ See Thomson to Certain States, October 27, 1787.

Abraham Baldwin to Noble Wimberley Jones

New York. 8 Feby. 1788

New York has at length determined on a convention by a majority of 2 in the house of Representatives and of 3 in the Senate. The last accounts from Massachusetts are, that by introducing amendments, though not as absolute conditions of their ratification, they expect to obtain a majority of 8 or 10.

I am sir, your obedient humble servant,

Abh. Baldwin.

RC (NN: Miscellaneous Folders). Endorsed: "Recd. 12th & answered with the two others [*not found*] in one sent of the 13th but dated the 12th."

James Madison to George Washington

Dear Sir

New York Feby. 8—[17]88

The prospect in Massts. seems to brighten, if I view in the true light the following representation of it.¹ "This day, (Jany. 30) for the first our President Mr. Hancock took his seat in Convention, and we shall probably terminate our business on Saturday or Tuesday next. I can not predict the issue, but our hopes are increasing. If Mr. Hancock does not disappoint our present expectations, our wishes will be gratified." Several reflections are suggested by this paragraph which countenance a favorable inference from it. I hope from the rapid advance

towards a conclusion of the business, that even the project of recommendatory alterations has been dispensed with.

The form of the ratification of Georgia is contained in one of the papers herewith inclosed.² Every information from S. Carolina continues to be favorable. I have seen a letter from N. Carolina of pretty late date which admits that a very formidable opposition exists, but leans towards a foederal result in that State. As far as I can discover, the state of the question in N Carolina is pretty analagous to that in Virginia. The body of the people are better disposed than some of a superior order. The Resolutions of New York for calling a Convention, appear by the paper to have passed by a majority of two only in the House of Assembly.³ I am told this proceeded in some degree from an injudicious form in which the business was conducted; and which threw some of the foederalists into the opposition.

I am just informed by a gentleman who has seen another letter from Boston of the same date with mine, that the plan of recommendatory alterations has not been abandoned, but that they will be put into a harmless form, and will be the means of saving the Constitution from all risk in Massts.

With the highest respect & attachment, I remain Dear Sir, Your Affe
hble servt., Js. Madison Jr.

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:481–82.

¹ For Rufus King's January 30 letter, see *ibid.*, p. 445.

² It appeared in the *New York Daily Advertiser* of February 5.

³ These resolutions were printed in the *New York Journal* of February 7.

Jeremiah Wadsworth to Mehitable Wadsworth

My dear friend

New York Feby 10. 1788

I received several letters from Harriet and hear you are gone to Litchfield. I am well and have no head acch except ones on eating Chocolate at an Assimby. New York is more disagreeable than ever but my business keeps me employed & takes of[f] my Attention from the disagreeable things I should otherwise encounter. Harriets letter of the 3d reached me last night. She complains of not hear[i]ng from me. She must before this have had several letters¹—tell her to send the Musick & figure of the new Dance her friends want it. My Eyes are Weak the only time I have to write is by Candle light & I have so much to do at it that I can only add [my] love to sisters, Harriet & all frends.

I am affectionately Yours,

J Wadsworth²

RC (CtHi: Wadsworth Papers).

¹ Of these only the following brief letter of February 3 to his daughter Harriet has been found. "I received your several letters by various hands. I have not seen Mr Ward. It will be best to put your letters into the Post office for me, they will be received in time. I wish You to make Dawes send the Musick for the new Dance & you write the Figure. Mr & Mrs Shaler you know are both Musicians. I was at the <Ball> Assembly last Thursday—but did not dance. Their was 58 Ladies & 100 Gentlemen. I dont think in Beauty, dress or dancing they exceed Hartford. I am glad to hear your Momma & Aunt are gone to Litchfield. I wish you all every happiness. My love to all the family. Your affectionate frend & Parent, Jere Wadsworth." Ibid.

Letters of a similar tenor from Wadsworth to Harriet, dated February 10 & 22, are also in the Wadsworth Papers, CtHi.

² Wadsworth wrote to his wife again, even more briefly, on February 22. Ibid.

James Madison to George Washington

Dear Sir

N. York Feby 11. [17]88.

The Newspaper inclosed with the letter which follows, comprises the information brought me by the mail of yesterday.¹

Boston Feby. 3d.

"I inclose a Newspaper containing the propositions communicated by Mr. Hancock to the Convention, on Thursday last. Mr. Adams who contrary to his own sentiments has been hitherto silent in Convention, has given his public and explicit approbation of Mr. Hancocks propositions. We flatter ourselves that the weight of these two characters will ensure our success; but the event is not absolutely certain. Yesterday a committee was appointed on the motion of a doubtful character to consider the propositions submitted by Mr. Hancock and to report tomorrow afternoon. We have a majority of foederalists on this Committee and flatter ourselves the result will be favorable: P.S. We shall probably decide on Thursday or Friday next when our numbers will amount to about 363."

With greatest esteem & attachment, I am Dear Sir, Yr. Obedt. & Affee servt.,

Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:498–99.

¹ Cf. Rufus King's letter in *ibid.*, p. 465.

James White to Samuel Johnston

Sir

New-York Feby. 11th. 1788

I beg permission to enclose to your Excellency the advertizer of today.¹ If it contains as early hints, as any you have received of what is doing in Massachusets with respect to the great business on which

they are deliberating, perhaps it may not be unacceptable. The amendments you will see proposed by the state, as they stand in the paper, are merely commendatory; & their delegates assure me there is no doubt but the proposed constitution is, by this time acceded to.

I know of nothing in the particular line of Congress to inform you of. Tho' much business requiring nine states, has been before them, there have been present, as yet, but barely seven; & it has happened that the absence, or indisposition of some one has been a bar to all proceedings. I therefore have the more to regret the want of a colleague.

I wish to express the pleasure I feel on your Excellency's acceptance of your important office; from which the state is like to reap so much advantage.²

It will flatter me exceedingly to receive any of your Commands in this quarter.

I am, your Excellency's obedt. Servt.,

James White

RC (Nc-Ar: Governors' Papers). Addressed: "His Excellency, Governor Johnstone."

¹ That is, the February 11 issue of the New York *Daily Advertiser*, which reprinted a Boston article concerning the proceedings of the Massachusetts ratifying convention and Gov. John Hancock's proposed amendments to the Constitution, for which see *Doc. Hist. of Ratif.*, 16:62-64.

² Johnston, a former delegate to Congress, had been elected governor of North Carolina December 13, 1787. *N.C. State Records*, 20:225. For his March 5 response to White, see *ibid.*, 21:454-55.

Jonathan Dayton to Jonathan Forman

Dear Sir,¹

New York February 13th, 1788.

Your letter of the 7th of January, in consequence of some mismanagement, never reached me until yesterday. I hasten to acknowledge it's receipt & to give you such information as I am possessed of relative to the subject of your enquiry.

Besides the army's apportionment in the four ranges of townships lately sold & exposed for sale, at public vendue, there have been two allotments of land for the military rights² viz. a million of acres situate about fifty miles from the Ohio, in the rear of the seven ranges on the one hand & the New England purchase on the other. This I am informed is excellent in quality, & will doubtless be very valuable. It's distance from the river is the only objection against it. The other allotment is very far below & beyond this as well as the New England & Symmes's purchases. It embraces a large tract of country at the mouth of the Wabash & it will, I expect, be so far extended, as to satisfy all the claims of the army which may survive and remain after the above settlements & purchases are compleated.

The Secretary at war acquaints me that [...] those tracts surveyed & prepared for dist[ri]bution, which] may be done with convenience & in [...] con]sidering that the drafts for those lands will [...] & not by lines, by which means those [...] related, would wish to be neighbours in [...] widely seperated & upon considering too that [...] and risk as to the quality would be the same or nearly so, in the one case as in the other & in addition to those two considerations, that our locations there must depend on future contingencies, while here they will be immediate and certain, I have been induced to determine for myself in favor of laying my right within the purchase made by Mr. Symmes.

I have taken care to examine upon the maps the relative situations of all these tracts in point of climate and navigation & altho' I am convinced that at some future distant day, the settlements on the Wabash will be more highly favorable than these particulars, I am still inclined to give the present preference to the country contained between the two Miamis.

In answer to your enquiry whether Congress ever enlarged the Grant made by them in the first instance to the Army,³ I can only say, that if they did, I neither know of it, nor can find it on their journals. I had received & entertained until very lately an impression to the same effect, without being able to recollect how it was occasioned, but I have now reason to apprehend that it was never founded in fact.

I wish you to be assured that I shall be happy in making communications on this head or any other, that [will be] Serviceable to you or to your friends.

[...] as to give assurances of my regard to Gen. [...], Mr. Burrows & Mr. Rhea & believe me [to be with great] esteem, Your friend & Servt.,
Jona. Dayton

RC (NH: Miscellaneous Manuscripts). Addressed: "Col. Jonathan Forman. Middletown point, Monmouth County, New Jersey."

¹ Jonathan Forman had served in the New Jersey Line from February 1776 to November 1783, rising to the rank of captain in the Continental Army. He was also aide-de-camp to Gen. John Sullivan in 1779. Heitman, *Historical Register*, pp. 148–49.

² For these military bounty districts, see Richard Henry Lee to William Lee, July 30, 1787, note 4.

³ For Congress' September 16, 1776, resolve promising land to the officers and soldiers of the Continental Army, see JCC, 5:763. As a Continental captain, Forman would have been eligible for a grant of 300 acres.

Massachusetts Delegates to Peter Boyer and John Deming

Gentlemen

New York Feby 14th 1788

We have the pleasure of your official letter of 5th Feby, And altho

the Tre[a]sury Board at first made some objection to the informality of the negotiation, they have agreed to pass the sum to the Credit of Massachusetts, agreeably to the orders of our Legislature, & resolve of Congress,¹ whenever the Treasurer of Massachusetts will certify, that he has paid to Col. Jackson the amount of the Warrants for which Col Jackson has given his Certificates. As this is a matter of form, against which no objection can we apprehend be raised, You will please to procure & send forward this Certificate from the Treasurer so soon as is convenient, Being With respect & esteem, Your most Hum Serts,

Sam. A Otis

George Thatcher

RC (M-Ar: Revolutionary War Letters). Written by Samuel A. Otis and signed by Otis and George Thatcher. Addressed: "Messrs John Deming & Peter Boyer, Committee of Accts, Boston."

¹ The Massachusetts General Court, by resolution of November 23, 1787, had assumed the costs of "sundry articles furnished for the [Federal] troops" of Col. Henry Jackson's Continental Regiment. "Journal of the House of Representatives of the Commonwealth of Massachusetts, commencing Wednesday 30 May 1787," DLC(ESR), pp. 210-11, 360. And the ordinance for the settlement of state accounts, adopted May 7, 1787, vested the board of treasury "with full power and authority" to make allowance for any "advances or disbursements, Payments or supplies. . .made by any of the States . . . or the use of the United States." *JCC*, 32:265. See also Nathan Dane to Rufus King, August 12, 1787, note 9.

James Madison to George Washington

Dear Sir

N. York Feby. 15. [1788]

I have at length the pleasure to inclose you the favorable result of the Convention at Boston.¹ The amendments are a blemish, but are in the least Offensive form. The minority also is very disagreeably large, but the temper of it is some atonement. I am assured by Mr. King² that the leaders of it as well as the members of it in general are in good humour; and will countenance no irregular opposition there or elsewhere. The Convention of N Hampshire is now sitting. There seems to be no question that the issue there will add a seventh pillar, as the phrase now is, to the fœderal Temple. With the greatest respect & attachmt I am Dr. Sir Yrs.,

Js. Madison Jr

Reprinted from Madison, *Papers* (Rutland), 10:510.

¹ Enclosure not found, but notice of ratification of the Constitution by the Massachusetts convention appeared in the February 11 issue of the New York *Daily Advertiser*.

² According to the *Daily Advertiser* of February 14, Rufus King had arrived in New York the preceding day.

Charles Thomson to the States

Sir	Circular	Office of Secretary of Congress, Feby 15th, 1788.
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I have the honor of transmitting to Your Excellency herewith enclosed An Act passed the 12th Instant by the United States in Congress Assembled for granting Sea Letters to American vessels bound on long & distant voyages.¹ That the mercantile part of Your State may be fully informed of this Act, I have to request the favour of Your Excellency, that You will be pleased to cause it to be published in the public papers, or made known to them in such other way, as Your Excellency shall think proper.

With the greatest respect, I have the honor to be, Your Excellency's
Most Obedient & Most Humble servant, Cha Thomson

RC (Vi: Continental Congress Collection). LB (DNA: PCC, item 18B).

¹ Congress had traditionally granted sea letters for ships upon individual application, but by the enclosed resolve, adopted at the recommendation of a committee consisting of Dyre Kearny, John Kean, and James Madison, it delegated authority to the secretary for foreign affairs to grant sea letters, "at his discretion," to "any vessel or vessels owned entirely and navigated chiefly by Citizens of the United States." See *JCC*, 34:39-40.

Paine Wingate to John Sullivan

Sir New York Feb. 16. 1788.

Last Saturday evening I arrived at this City, and on the Monday following took my seat in Congress.¹ Seven States only had been represented in Congress before that time, and but three or four days had been improved for any business since they formed. The states now represented are New Hampshire, Massachusetts, New Jersies, Pennsylvania, Delaware, Virginia, Maryland & South Carolina. There are single members from Connecticut, North Carolina & Georgia, and others are expected in dayly. In the course of the present week some dispatches from Mr. Adams at London have arrived, and been communicated to Congress.² They were dated I think in November. I have not had opportunity to read them at the office & am able to give your Excellency no very particular account of their Contents. A principal design however appeared to me was to suggest some prudential conduct to be observed by the United States in regard to the disputes then subsisting between France & Great Britain, by intermeddling with which it seems that our Minister at the United Netherlands has got himself most sadly embarrassed. Mr. Adams is to return home soon & is directed to take leave of his Britanic Majasty and of their high Mightinesses by giving assurances of the attachment & friendship of the United States to them respectively. Congress also have assigned

next Tuesday week as the day for receiving the minister plenipotentiary of his most Christian Majesty who has lately arrived.³

Your Excellency will probably have heard that New York have agreed to call a Convention to meet in June next. The Convention in North Carolina I am told is not to meet until July which will be the latest of the twelve States. Some suppose that since the Massachusetts have adopted the new Constitution all the states will comply. None seem to doubt of nine States.

I have now a personal concern for which I must beg your Excellency's favorable assistance. Mr. Saml. Stacey of Portsmouth has an order on a Gentleman in New York for 500 Dollars which I expect will be paid to me soon as his Attorney, & which will be under his command whenever called for. This money unless he has some use for it, in New York, which I know nothing of, it would be convenient for him to receive in New Hampshire, and on the other hand as I came on with but little money for myself as well as for Mr. Gilman it would be very convenient for us to reserve the money here for our necessary expences & draw upon the Treasurer at Exeter for the like sum to pay him. This Mr. Stacey no doubt will consent to do provided he can be sure of his money whenever he calls for it. What the present state of the Treasury is I know not, but if your Excellency will be pleased to direct the Treasurer to pay that sum or such part of it as you shall think fit to our order in favor of Mr. Stacey and the Treasurer can find himself able to answer the Order, or give in consequence of your direction encouragement of speedy payment, I hope the matter may be managed to Mr. Stacey's and our mutual advantage, and Your Excellency will thereby confer great obligations on Mr. Gilman and myself. The part of the money which I suppose would answer my purposes, would be 50 pounds for which sum I have already your Excellency's Order and only need your particular influence with the treasurer for the payment of. For the remainder of the money Mr. Gilman wishes an Order & the like influence. If your Excellency will do me the honor of a Letter as soon as may be upon this subject and any other matters you may have in command, I shall think myself greatly obliged, and have the honor to be your Excellency's most respectful and humble Servant,

Paine Wingate

RC (Nh-Ar: State Papers, Revolutionary Correspondence).

¹ For Wingate's arrival and congressional credentials, see *JCC*, 34:31-32.

² For the secretary for foreign affairs' February 12 report to Congress on John Adams' dispatches of October 25 and November 15, 1787, see *JCC*, 34:48. For other Adams dispatches recently received, see also *JCC*, 34:22-23, 29-30.

³ John Jay's report on the arrival of the new French minister, Éléonore-François-Élie, comte de Moustier, and the "Ceremonials" to be followed in receiving him, was taken up by Congress February 14. February 26 was set for a public audience, and a committee was appointed to report on "arrangements" for the event, which were debated and referred "to the Secy of Congress to take order." The official proceedings of Congress

for that date consist entirely of Secretary Thomson's account of the audience, which featured the presentation of a letter of credence from Versailles, an address from Moustier to Congress, and a response from Pres. Cyrus Griffin. See *JCC*, 34:30, 44-46, 51-52, 54, 62-65; and Jefferson, *Papers* (Boyd), 13:175n. For Moustier's views on the new constitution and his impressions of the waning months of the Confederation, see the "Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789," edited by Henry E. Bourne, *AHR* 8 (July 1903): 709-33; 9 (October 1903): 86-96.

Paine Wingate to Mary Wingate Wiggin

My dear Child¹

New York Feb. 16, 1788.

In my last letter which was directed to your Aunt Wingate,² I intimated that I intended to direct my next to you. This I conclude will be very welcome as I know that you was not a little anxious at my leaving home. You have observed that I was rather depressed in spirits for some time before I came on my journey. I am not quite so much now as I was then, altho' I cannot say that I feel very cheerful. I am very well in health & as agreeably situated as I could be in this City. There are five of us who board in one family with a clever widow woman. The gentlemen are agreeable, three of them are unmarried, the other near my age who has had eighteen children. The widow I never see only at table. We have no other amusement but conversation & reading. I have no visiting acquaintance yet, & unless I should find somebody that I can visit without much ceremony, I desire to have none. We do but little business in Congress yet, & there is nothing interesting which I have to Communicate. This gives leisure to write which you must not expect will be so frequent in future. Last evening I went to the Theatre where I saw acted a silly Comedy called the School of Scandal & a farce called the true born Irishman.³ Neither of them were worth hearing for the sentiments contained in them, but the manner in which they were performed afforded some diversion. The play house was curiously prepared for the variety of scenes & the company, especially [the] ladies were very showey. But the entertainment was not, worth the expence, unless merely for curiosity once, & I am determined not to go any more to that trifling place, which is frequented by many as often as twice in a week. The expence of living here will not exceed what I expected unless it should be for clothing &c &c which I can assure your Aunt Wingate has cost me nothing yet. I shall not be put out for want of ruffles as a large number of the Delegates dress as plain as I do, while some young gentlemen dress very gay. My bald head does very well when dressed which costs me six pence pr. day. Washing costs half a dollr pr. Dozen great & small pieces together, which I do not think dear. The Congress house is elegant where every member has a great chair & writing desk & pen, Ink

& paper before him, which with paper & all the necessaries for writing at our lodgings are supplied at the public expence, so that I begrudge nothing but my time in writing letters. Each member also has given him all the j[ou]rnals of Congress & seventeen news papers every week which is a considerable work to read. There are now about twenty members of Congress present who are in general very sociable & appear to me much like other men. Next Tuesday week we are to have a very great day in receiving and giving a public audience to a French Count who is just arrived a Minister plenipotentiary from his most Christian Majesty. This will be a curiosity that does not often happen. I have now given you enough of this trifling information. Its coming from a distant & affectionate friend is what alone can make it worth reading. I hope that you are happy, & by a prudent discreet conduct in life will continue so. You must not allot upon uninterrupted pleasures nor expect too much from the imperfect enjoyments of life, if you wish not to be disappointed. For my own part my expectations of happiness here were never very raised & for that reason have not been mortified with disappointments. You will find that a virtuous & sober mind without the mistaken gloom of superstition will best contribute to calmness & chearfulness. This will rob you of no real pleasures. I am led to these reflections while I am writing by hearing the almost numberless carriages ratling on the pavements to the assembly room this evening. This City is noted for its expensive pleasures & dissipations in a throng of young company, but one hour in the circle of my old friends would be infinitely preferable by me. I hope to hear from my family soon & that they are all well. Mr. Wiggin can superscribe any letters that are wrote & direct them to me in Congress at New York & leave them in the Post office at Portsmo[uth] or Exeter & they will come directly to me within eight or ten days. I shall have some letters to write upon business to several persons soon, & it is uncertain when I shall write again to any of the family. Tell Sally & George that I shall not forget to give them a letter when I have leisure nor John & Betsey by that time they shall be able to read such bad writing. I hope Mr. Bigelow & Mr. Mason have paid the money they promised, & that your Mother has been able to buy for you such things as you further wanted. I desire to be remembered to the whole circle of my friends without particularly enumerating them; & be assured they ever have my best wishes.

I am yours affectionately

P Wingate

P.S. I had forgot to mention in any of my letters the most remarkable circumstance that has attended me in New York which is, that I have always slept alone & never had my bed warmed, which is neither injurious to my health nor very mortifying to my feelings now. We have had very pleasant & moderate weather until this morning but now have a violent snow storm. Adieu.

PW.

RC (MH-H: Wingate Papers).

¹ Wingate's daughter Mary (1766–1840) had just married Andrew Wiggin of Stratham, N.H., home of the Wingate family, on January 6. Charles E. L. Wingate, *Life and Letters of Paine Wingate*, 2 vols. (Medford, Mass.: Mercury Printing Co., 1930), 2:535.

² Apparently Mrs. Hannah Veazie Wingate, "wife of Paine's cousin, Joshua." Charles E. L. Wingate, *Paine Wingate's Letters to His Children* (Medford, Mass.: Mercury Printing Co., 1934), p. 5.

³ That is, Richard Sheridan's comedy of manners, *The School for Scandal* (1777), and Charles Macklin's satirically anti-English comedy, *The True-born Irishman* (1762), or *The Irish Fine Lady* (1767).

Cyrus Griffin to Thomas FitzSimons

Dear Sir

N. York Feby. 18th. 1788

I ought to beg pardon for having so long neglected your very obliging letter.

The congratulations of a worthy man and so friendly a mind must always be acceptable to a heart of sensibility. I thank you for them—and yet I feel no addition of real satisfaction in being thus elevated, but truly and with sincerity I experience the reverse.

My family are the great object I have in contemplation, and if this promotion in its consequences shall redound to the advantage of my children my utmost wishes will be accomplished, so far as private considerations are permitted to operate—at all times and upon all occasions I would sacrifice my ease to their emolument. And as to the public, it is not in my power to do any essential services, but I will discharge my duty with honesty and to the best of my abilities.

The consultation between the ladies has certainly been a wise one; how happy is lady C.¹ in having so amiable and intelligent a friend! And yet I am almost tired to death with this kind of life, in a croud thro' the day and solitary at night—the family must certainly be set in motion in April or May unless something material should intervene to prevent a Journey to *N. York*; and if then yourself and Mrs. FitzSimons can make it convenient to spend some time with us how extremely rejoiced I should be; in point of health the excursion might be of service to your kind lady, and would add greatly to the pleasure of those who admire and love her.

The proposed constitution now stands upon a firm basis; The ratification of Massachusetts will carry it triumphantly throughout. N. Ham. will presently adopt it. Maryland and South-Carolina by large majorities in convenient time; N. York, Virginia, and N. Carolina must find their concurrence indispensably necessary; and even Rhode Island in

all probability will soon be deliberating. Colonel R. H. Lee and Mr. John Page, men of Influence in Virginia, are relinquishing their opposition; but what to us is very extraordinary and unexpected, we are told that Mr. George Mason has declared himself so great an enemy to the constitution that he will heartily join Mr. Henry and others in promoting a southern Confederacy—alas! how inconstant is the mind of man.

All the European Information of a public nature has been communicated in the news-papers.

I beg leave to recommend the enclosed letter to your friendly attention.

With my best regards to madam and Mr Thatch, I have the happiness to be with the highest respect &c,

C. Griffin

RC (PHi: Graz Collection).

¹ That is, Lady Christina Stuart Griffin, eldest daughter of the sixth Earl of Traquair, whom Griffin had wed in Edinburgh in 1770. *DAB*.

Samuel A. Otis to Moses Hayes

Dear Sir

New York Feby 18 1788

Some inconveniencies having been occasioned by the want of Sea Letters, in the recess of Congress, One Ship I know, being obliged to proceed without, It was thot expedient that a provision, agreeably to the inclosed copy, should take place; By which the secretary for Foreign Affairs, should be authorised in future, to do the business, without an application in the first instance to Congress.¹

For the facility of the Citizens of Boston, to whose interests I feel myself bound by the ties of gratitude [up]on every occasion, to be attentive, and for the benefit of the trade in general you will please to give this information, Being, Your most huml. Sert, Saml. A. Otis²

RC (NNPM: Members of Congress Collection). Addressed: "Mr Moses M Hayes, Merchant, Boston."

¹ See Charles Thomson to the States, February 15, note.

² This day Otis also wrote the following statement in support of the application of Adam Babcock of Boston for sea letters for the ships *Enterprise* and *Dispatch*, which was referred to the secretary for foreign affairs. "I the subscriber being personally acquainted with Adam Babcock above named do certify that full faith & credit may be given to his declaration, And that I have good reason to declare that the aforesaid Ships will be navigated by the Citizens of the United States principally if not in whole." See PCC, item 46, fols. 281–92.

James Madison to Thomas Jefferson

Dear Sir

New York Feby. 19. 1788

By the Count de Moustier I received your favour of the 8th of October.¹ I recd. by his hands also the watch which you have been so good as to provide for me, and for which I beg you to accept my particular thanks. During that short trial I have made, she goes with great exactness. Since the arrival of the Count de Moustier, I have recd. also by the Packet Mr. Calonne's publication² for myself, and a number of the *Mercure's*³ for Mr. Banister. The bearer was a Mr. Stuart. I had a conveyance to Mr. Banister a few days after the *Mercure's* came to hand.

The Public here continues to be much agitated by the proposed federal Constitution and to be attentive to little else. At the date of my last Delaware, Pennsylvania and New Jersey had adopted it.⁴ It has been since adopted by Connecticut, Georgia, and Massachusetts. In the first the minority consisted of 40 against 127. In Georgia the adoption was unanimous. In Massachusetts the conflict was tedious and the event extremely doubtful. On the final question the vote stood 187 against 168; a majority of 19 only being in favor of the Constitution. The prevailing party comprized however all the men of abilities, of property, and of influence. In the opposite multitude there was not a single character capable of uniting their wills or directing their measures. It was made up partly of deputies from the province of Maine who apprehended difficulties from the New Government to their scheme of separation, partly of men who had espoused the disaffection of Shay's; and partly of ignorant and jealous men, who had been taught or had fancied that the Convention at Philada. had entered into a conspiracy against the liberties of the people at large, in order to erect an aristocracy for the rich, the *well-born*, and the men of Education. They had no plan whatever. They looked no farther than to put a negative on the Constitution and return home. The amendments as recommended by the Convention, were as I am well informed not so much calculated for the minority in the Convention, on whom they had little effect, as for the people of the State. You will find the amendments in the Newspapers which are sent from the office of foreign affairs. It appears from a variety of circumstances that disappointment had produced no asperity in the minority, and that they will probably not only acquiesce in the event, but endeavour to reconcile their constituents to it. This was the public declaration of several who were called the leaders of the party. The minority of Connecticut behaved with equal moderation. That of Pennsylvania has been extremely intemperate and continues to use a very bold and menacing language. Had the decision in Massachusetts been adverse to the Constitution, it is not improbable that some very violent measures would have followed in that State. The cause of the inflammation

however is much more in their State factions, than in the system proposed by the Convention. New Hampshire is now deliberating on the Constitution. It is generally understood that an adoption is a matter of certainty. South Carolina & Maryland have fixed on April or May for their Conventions. The former it is currently said will be one of the ratifying States. Mr. Chace and a few others will raise a considerable opposition in the latter. But the weight of personal influence is on the side of the Constitution, and the present expectation is that the opposition will be outnumbered by a great majority. This State is much divided in its sentiment. Its Convention is to be held in June. The decision of Masss. will give the turn in favor of the Constitution unless an idea should prevail or the fact should appear, that the voice of the State is opposed to the result of its Convention. North Carolina has put off her Convention till July.⁵ The State is much divided it is said. The temper of Virginia, as far as I can learn, has undergone but little change of late. At first there was an enthusiasm for the Constitution. The tide next took a sudden and strong turn in the opposite direction. The influence and exertions of Mr. Henry, and Col. Mason and some others will account for this. Subsequent information again represented the Constitution as regaining in some degree its lost ground. The people at large have been uniformly said to be more friendly to the Constitution than the Assembly. But it is probable that the dispersion of the latter will have a considerable influence on the opinions of the former. The previous adoption of nine States must have a very persuasive effect on the minds of the opposition, though I am told that a very bold language is held by Mr. H——y and some of his partizans. Great stress is laid on the self-sufficiency of that State; and the prospect of external props is alluded to.

Congress have done no business of consequence yet, nor is it probable that much more of any sort will precede the event of the great question before the public.

The Assembly of Virginia have passed the district Bill of which I formerly gave you an account.⁶ There are 18 districts, with 4 new Judges, Mr. Gabl Jones, Richd. Parker, St. George Tucker and Jos. Prentis. They have reduced much the taxes, and provided some indulgences for debtors. The question of British debts underwent great vicitudes. It was after long discussion resolvd. by a majority of 30 agst. the utmost exertions of Mr. Henry that they sd. be paid as soon as the other States sd. have complied with the treaty. A few days afterwards he carried his point by a majority of 50 that G.B. should first comply. Adieu,
Yrs. Affety.,
Js. Madison Jr

P.S. Mr. St. John⁷ has given me a very interesting description of a System of Nature lately published at Paris—will you add it for me. The Boxes which were to have come for myself, G.W. & A.D. &c have not yet arrived.

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:518–20.

¹ For Jefferson's October 8 letter of introduction for the comte de Moustier and his sister-in-law, the marquise de Bréhan, see *ibid.*, pp. 187–88.

² The "publication" by Charles Alexandre de Calonne, who had been discharged as controller general of finance in April 1787, was apparently his defense of his tenure, *Réquite au Roi. Adressée à Sa Majesté, par M. de Calonne, Ministre d'État*, published in London in 1787. See Jefferson, *Papers* (Boyd), 12:246–47.

³ That is, the *Mercur de France*.

⁴ See Madison to Jefferson, December 20.

⁵ At this point in the manuscript Madison later inserted an asterisk to which he keyed at the bottom of the page: "see letter from Col. Davie to J.M.," an apparent reference to a June 10, 1788, letter from William R. Davie discussing attitudes in North Carolina toward the Constitution, which is the only extant Davie letter in Madison's papers.

⁶ That is, in his letter of December 9.

⁷ Michel-Guillaume St. Jean de Crèvecoeur.

South Carolina Delegates to Thomas Pinckney

Sir

New York Febry. 19th. 1788.

Since Our last Communication to your Excellency, the Count de Moustiers, who arrived here some Weeks past, has been announced to Congress as Minister Plenipotentiary from the Court of Versailles to the United States in the room of the Chevalier de la Luzerne and will have his public Audience on the 26th of the current Month.¹

We have the Honor to enclose to your Excellency Copy of a Letter from Mr Carmichael Charge des Affairs of the United States at the Court of Madrid and another from Mr. Jefferson both on the subject of Compensation demanded by our State for the services of the Ship South Carolina in the Reduction of the Bahama Islands.²

We think it our Duty to inform your Excellency that Messrs. Hanson and Goldsborough, the two Gentlemen who were appointed Judges to settle the Differences betwixt the States of South Carolina and Georgia concerning their territorial Rights, have made application to Congress for the sum due to them on Account of their attendance on that Business previous to their receiving Information of the Accommodation which took place between the States concerned. The Amount we understand is about three Hundred and twenty Dollars, and as this Expenditure must necessarily fall on the States interested we think it for the Honor of the State we represent that the Honorable Legislature give order for the immediate payment of it's Moiety of the said Sum when demanded by Congress, which we suppose will be as soon as the Committee to whom this Business is referred shall make their Report.³ We have anticipated the regular Communication of this Matter that it may if possible, be before the Legislature previous to their Adjournment. The Ratification of the new Constitution by the State of Mas-

sachusetts was yesterday received by Congress. We are very respectfully, Your Excellency's Most Obedt. Servts., Daniel Huger

John Parker

Thos. Tud. Tucker

Tr (OCIWHI; Norton Collection).

¹ See Paine Wingate to John Sullivan, February 16, note 3.

² On February 12 Congress had ordered secretary for foreign affairs John Jay to furnish the South Carolina delegates with extracts of William Carmichael's and Thomas Jefferson's letters to Jay of August 19 and September 19, respectively, relating to Carmichael's negotiations over Spanish employment of Commodore Alexander Gillon's *South Carolina* frigate in a 1782 expedition against the Bahamas. At stake was the \$60,000 promised Gillon by Gov. Juan de Cagigal of Cuba. The state was particularly anxious to pursue the claim because Gillon's ship had been captured by the British in December 1782 and South Carolina was liable for full restitution to the owner, the chevalier de Montmorency Luxembourg, whose claims were not finally settled until 1855. In the meantime, South Carolina persisted in its applications to Spain (see these *Letters*, 23:164, 176n.4, 623), and in December 1786 Jay instructed Carmichael once again to seek compensation in Madrid. The conde de Floridablanca stalled negotiations, however, in part for lack of direct evidence to support the claim. The Spanish minister and Carmichael ultimately concluded, as Jefferson informed Jay in his September 19 letter, that negotiations should be conducted in America and referred "to Mr. Gardoqui and to the delegates of South Carolina in Congress." There is no further mention of the case in the journals or in PCC. See *JCC*, 34:22–23, 43n.4; PCC, item 88, fols. 500–503; Jefferson, *Papers* (Boyd), 10:559, 12:151; and *Bio. Dir. of S.C. House*, 3:268–71. For the state's inquiry into the loss of the *South Carolina*, see *Journals of the Privy Council, 1783–1789*, ed. by Adele S. Edwards (Columbia: University of South Carolina Press, 1971), pp. 33–61. See also Daniel E. Huger Smith, "Commodore Alexander Gillon and the Frigate *South Carolina*," *South Carolina Historical and Genealogical Magazine* 9 (October 1908): 189–219, and "The Luxembourg Claims," *ibid.*, 10 (April 1909): 92–115; and Louis F. Middlebrook, "The Frigate *South Carolina*," *Essex Institute Historical Collections* 65 (July–October 1929): 323–38, 483–98; 66 (January 1930): 35–40.

³ For the committee's March 5 report, see Charles Thomson to Alexander Contee Hanson, December 10, 1787, note 2.

James Madison to Thomas Jefferson

Dear Sir

New York Feby. 20. 1788

I have this moment received an answer to a letter written to Mr. W. S. Browne on the subject of Mr. Burke's affairs.¹ The answer is written by direction of Mrs. Brown and informs me that her husband is absent on a voyage to the West Indies and is not expected back till April; that when "he arrives he no doubt will be ready to deliver the effects on proper application. The amount of effects I can say nothing to, but they have been stored ever since with care. The cash I believe is the same as you mention—as to tendering any thing but the hard cash you need be under no apprehension. His character is well established

in this town (Providence R. Island) and he despises the man that would offer paper when he had received cash." This is all the information I have to give on the subject.

By letters just received from Virginia I find that I shall be under the necessity of setting out in 8 or 10 days for Virginia. I mention this circumstance that it may explain the cause if I should not write by the next conveyance. Yrs. Affey.,
Js. Madison Jr

RC (DLC: Madison Papers). Madison, *Papers* (Rutland), 10:526.

¹ The letter is not among Madison's papers, but for the involvement of Providence merchant William S. Browne in the estate of John Burke, see *ibid.*, pp. 169, 310; and Jefferson, *Papers* (Boyd), 12:136-38.

James Madison to George Washington

Dear Sir

New York Feby 20. 1788

I am just favored with yours of the 7th¹ inst. and will attend to your wishes as to the political essays in the press.

I have given notice to my friends in Orange that the County may command my services in the Convention, if it pleases. I can say with great truth however that in this overture I sacrifice every private inclination to considerations not of a selfish nature. I foresee that the undertaking will involve me in very laborious and irksome discussions; that public opposition to several very respectable characters whose esteem and friendship I greatly prize may unintentionally endanger the subsisting connection; and that disagreeable misconstructions, of which samples have been already given, may be the fruit of those exertions which fidelity will impose. But I have made up my determination on the subject; and if I am informed that my presence at the election in the County be indispensable, shall submit to that condition also: though it is my particular wish to decline it, as well to avoid apparent solicitude on the occasion; as a journey of such length at a very unpleasant season.

I had seen the extract of your letter to Col. Carter, and had supposed from the place where it first made its appearance that its publication was the effect of the zeal of a correspondent. I cannot but think on the whole that it may have been of service, notwithstanding the scandalous misinterpretations of it which have been attempted. As it has ardently the air of a paragraph to a familiar friend, the omission of an argumentative support of the opinion given will appear to no candid reader unnatural or improper.²

We have no late information from Europe, except through the English papers, which represent the affairs of France as in the most ticklish state. The facts have every appearance of authenticity, and we wait

with great impatience for the packet which is daily expected. It can be little doubted that the patriots have been abandoned; whether from impotency in France, misconduct in them, or from what other cause is not altogether clear. The french apologists are visibly embarrassed by the dilemma of submitting to the appearance of either weakness or the want of faith. They seem generally to alledge that their engagements being with the Republic, the Nation could not oppose the regular Authority of the Country by supporting a single province, or perhaps a party in it only. The validity of this excuse will depend much on the real connection between France and the patriots, and the assurances given as an encouragement to the latter. From the British King's speech, it would seem that France had avowed her purpose of supporting her Dutch friends;³ though it is *possible*, her menaces to England might be carried farther than her real promises to the patriots. All these circumstances however must have galled the pride of France, and I have little doubt that a war will prove it as soon as her condition will admit of it; perhaps she may be the sooner forced into it on account of her being in a contrary situation.

I hear nothing yet from the Convention of N. Hampshire. I remain
yours most: respectfully & Affectly. Js. Madison Jr

RC (DLC: Washington Papers). Madison, *Papers* (Rutland), 10:526–27.

¹ That is, Washington's letter of February 5th, for which see *ibid.*, pp. 468–69.

² For this incident concerning Washington's embarrassment over the publication of his "sentiments on the proposed Constitution" from his December 14 letter to Col. Charles Carter, see *ibid.*, p. 470n.3; and *Doc. Hist. of Ratif.*, 15:135–37.

³ George III's November 27 speech before parliament had appeared in the New York *Daily Advertiser* for February 13.

James Madison to Edmund Pendleton

Dear Sir

New York Feby. 21. [17]88

The receipt of your favor of the 29th Ult.¹ which did not come to hand till a few days ago was rendered particularly agreeable to me by the prospect it gives of a thorough reestablishment of your health. I indulge the reflection and the hope that it denotes a remaining energy in the Constitution, which will long defend it against the gradual waste of time.

Your representation of the politics of the State coincides with the information from every other quarter. Great fluctuations and divisions of opinion, naturally result in Virginia from the causes which you describe; but they are not the less ominous on that account. I have for some time been persuaded that the question on which the proposed Constitution must turn, is the simple one whether the Union shall or shall not be continued. There is in my opinion no middle ground to

be taken. The opposition with some has disunion assuredly for its object; and with all for its real tendency. Events have demonstrated that no coalition can ever take place in favor of a new Plan among the adversaries to the proposed one. The grounds of objection among the non-signing members of the Convention, are by no means the same. The disapproving members who were absent but who have since published their objections differ irreconcilably from each of them.² The writers against the Constitution are as little agreed with one another; and the principles which have been disclosed by the several minorities where the Constitution has not been unanimously adopted, are as heterogeneous as can be imagined. That of Massachusetts, as far as I can learn was averse to any Government that deserved the name, and it is certain looked no farther than to reject the Constitution in toto and return home in triumph. Out of the vast number which composed it there was scarce a man of respectability, and not a single one capable of leading the formidable band. The men of Abilities, of property, of character, with every judge, lawyer of eminence, and the Clergy of all Sects, were with scarc[e] an exception deserving notice, as unanimous in that State as the same description of characters are divided and opposed to one another in Virginia. This contrast does not arise from circumstances of local interest, but from causes which will in my opinion produce much regret hereafter in the Opponents in Virginia, if they should succeed in their opposition. N. Hampshire is now in Convention. It is expected that the result will be in favor of the Constitution. R. Island takes no notice of the matter. N. York is much divided. The weight of Abilities and of property is on the side of the Constitution. She must go with the Eastern States let the direction be what it may. By a vessel just from Charlestown we understand that opposition will be made there. Mr. Lowndis is the leader of it.³

A *British* packet brings a picture of affairs in France which indicates some approaching events in that Kingdom which may almost amount to a revolution in the form of its Government. The authority is in itself suspicious; but it coincides with a variety of proofs that the spirit of liberty has made a progress which must lead to some remarkable conclusion of the scene. The Dutch patriots seem to have been the victims partly of their own folly, and partly of something amiss in their friends. The present state of that Confederacy is or ought to be a very emphatic lesson to the U. States. The want of Union and a capable Government is the source of all their calamities; and particularly of that dependence on foreign powers, which is as dishonorable to their Character as it is destructive of their tranquility.

I remain Dr Sir Yours very Affely,

J^s. Madison Jr.

² For speculation on the identity of the authors of these "objections"—Luther Martin of Maryland and Robert Yates and John Lansing, Jr., of New York—see *Doc. Hist. of Ratif.*, 8:399n.3, 15:146–56, 366–70.

³ That is, Rawlins Lowndes.

Paine Wingate to Sarah Wingate

Dear Sally¹

New York Feb. 23d. 1788

I am tired with writing, and dont know what I shall fill this letter with to you. As you are fond of dress I will try to give you some account of the fine girls in this City, tho' I take so little notice of them, that I can give you but a poor account. I am confined wholly to the company of gentlemen & the most I know of the ladies is what little I observed at Church last Sabbath & in the streets where they are continually taking their pleasures. At this time there is fine sleighing & the streets are filled with parties of pleasure. The ladies wear very large Calashes & silk cloaks bordered with ermine when they ride or walk abroad. At church, for I attended public worship at an Episcopal church last Sabbath, the old ladies wore hats much like those fashionable ones your way, and the young ladies wore yellow straw hats, with crowns bound round as yours. Their hair craped pretty large & I did not observe any thing very different in other respects from the dress you have been acquainted with. I hope that you will learn to consider dress as but of little moment, compared with the ornament of the mind. The most worthless may exceed you in finery, but the young lady who studies to furnish her mind with useful knowledge, to regulate her passions, to discover an affable & benevolent disposition, & upon all proper occasions to make an innocent & virtuous life appear, will be esteemed by the valuable part of the world. These qualities, which will be for your reputation as well as happiness, let me then particularly recommend to you. I do not wish you to be totally indifferent to fashions & the external ornaments of your person, but to allow these a subordinate place in your attention. So much by way of advise. I dont know but you & the female circle I have wrote to, will think, from the grave letters I have lately wrote, that I have experienced some extraordinary change at New York. To this I can assure you I am much the same. I can be chearful when I am in some company, but in general I have not yet found it exactly to my taste. I think I shall contract some intimate acquaintance before long, with whom I shall be able to enjoy myself more entirely. I went to the theatre once, which I have given some account of in one of my letters. This was merely out of curiosity; from the same motive I may perhaps go once to the assembly, but those kinds of amusement I shall indulge very seldom. I

have nothing new which I think worth writing to you. It is more from an inclination that the family should often hear from me, that I have heretofore so frequently sent my letters, than from any opinion of the worth of my communications. However I hope that all I have said will not be wholly lost. When, & to whom I shall write next, is uncertain. I shall expect at least to receive one letter before any more of mine will be sent, and that I shall have the satisfaction of hearing you are all well. I wish to know whether Polly has yet moved to house keeping, & any other little domestic occurrence that has happened. Tell your Aunt Wingate that I shall soon send her a blank letter, unless she by one to me shall furnish matter for my reply. I have not yet altered in my habit of body. And do not think that eating & drinking will make me fat. I play no cards, because the custom is universally to play for money, which I consider as an improper diversion. I have some leisure to read & to write which I have improved with satisfaction. I will add only my most sincere wishes for your happiness, the welfare of all the family, & the prosperity of all my friends, to whom I desire my cordial respects.

My dear Child, adieu,

P Wingate

RC (MH-H: Wingate Papers).

¹ Wingate's daughter Sarah (1769–1808), who married Josiah Bartlett, Jr., son of Josiah Bartlett, the signer of the Declaration of Independence, June 3, 1792. Charles E. L. Wingate, *Life and Letters of Paine Wingate*, 2 vols. (Medford, Mass.: Mercury Printing Co., 1930), 2:535.

Charles Thomson to Rufus King

Sir,

New York Feby 24. 1788

I have from time to time transmitted to the executives of the several States to be laid before the legislatures monthly & official statements of the representation of Congress.¹ By recurring to these it will appear that in the federal year commencing the 7 Nov 1785 and ending the 5 Novr. 1786 the state of Rhode island was represented 11 days in July, 23 in August, 6 in Sepr. & 14 in Octr. in all 54 days—that in the federal year commencing the 6 Novr. 1786 and ending the 4 Novr. 1787 that state was represented only 15 days, & this was in the Month of April.² And from the commencement of the present federal year to this time no delegate has appeared from that state. To what cause this neglect has been owing is not for me to decide. I had frequently written to the states unrepresented & particularly to Rhode island but without effect urging the necessity of sending on delegates, at length on the 13 of August 1787 the president at the desire of Congress wrote a circular letter of which the enclosed is a copy,³ in answer to

which he recieved a letter from the governor of Rhode island dated 17 Sept 1787 with a vote or act of their legislature,⁴ date "In general Assembly Sept Session 1787,["] wherein it is resolved "that his Exy the governor be & he is thereby requested to inform the President of Congress of the measures taken by the Assembly for having the state duly represented in Congress to meet on the first Monday in Novr. and that they have not given Orders for their delegates going forward previous to that time["] &c.⁵

With much respect, I am, Sr., Your obedt humble Servt.,

Cha Thomson

LB (DNA: PCC, item 18B).

¹ See the Appendixes to the preceding and present volume of these *Letters*.

² For another summary of delegate attendance for the Congress of 1786–87, see *JCC*, 32:vii–viii.

³ See Arthur St. Clair to Certain States, August 13, 1787.

⁴ This letter from Gov. John Collins and its enclosures are in PCC, item 64, fols. 588–603.

⁵ In Governor Collins' enclosure, this sentence was completed: "under an Apprehension that the States will not be generally represented until the meeting of Congress for the next Year, and that the more Important matters of the Union will not be acted upon by Congress until that time and assuring his Excellency the President of Congress, That it is the desire and intention of this State to do every thing in their power for promoting the great objects of the Confederacy, The General Welfare and happiness of the Whole." *Ibid.*, fols. 596–97.

Samuel A. Otis to James Warren

Dear Sir

New York 27th Feby 1788

I have nothing very interesting to add to my last.¹ A public audience to the Minister of France was given yesterday at his request. The address & answer you have in the papers enclosed.² The Minister is a man of about forty, his manner rather more lively than dignified, altho no decided opinion can be formed from a single interview, & that a public one.

In the papers enclosed you have a copy of the Indian leases, which are operating so injuriously to Massachusetts; I am informed that the Legislature of N York have declared these leases, within the construction of the 37th article of their bill of rights, & of course null & void; Their own interest will induce N York to discourage these Jobbers, because the Lessees are practising as well for new york as Massachusetts Lands: However tis said these people design to go on, & occupy, until title can be determined in a federal Court. I fear they will give us much trouble. Upon the subject of Western Lands, Congress want the Western Line ascertained, vizt from 45 degree No Latitude thro the Westerly end of Lake Ontario, South upon Meridian Line, to Pennsylva-

nia line.³ This if impartially run, so far from being objectionable will be for our benefit; provided a faithful person on our part be appointed to attend the business; But in almost all Land matters, Massachusetts seems to come off second best.

I find it is in contemplation to assume the State debts, and fund State & federal at 3 per Cent. What think you of such a project? Would it be just? And how would it affect Massachusetts? This or a sponge I apprehend will be attempted, at some period not far distant. I am however by no means satisfied of the justice or utility of the measure.

Wishing for your sentiments upon this or other subjects as oppy permits, I am very sincerely yours,

Sam. A. Otis

[P.S.] The Postmaster conducts poorly in shifting the Mail from Stages to Horses & I find your intelligence imperfect. The enclosed papers containing all the news, when you have read them please to hand to my other friends with my Compliments. Yrs,

S A Otis

RC (M-Ar: Revolutionary War Letters). Addressed: "The Honorable James Warren Esqr. Milton, Massachusetts." Endorsed: "In the House of Representatives March 24. 1788. Read with the papers accompanying and committed to the Committee on the subject of the Western lands belonging to this Commonwealth, sent up for concurrence. J Warren Spker."

¹ See Otis to Warren, February 6.

² See *JCC*, 34:62-65.

³ See the following entry, note 2.

Pennsylvania Delegates to Peter Muhlenberg

Sir,

New York Feby. 28th 1788

We received your letter of the 5th of Feby. & should not have so long delay'd our Answer could we have Sooner given any Satisfactory information to either The Council or The House.¹

With respect to the Quantity of the tract, Nothing can be Conjectur'd with Accuracy & as the estimate you require must be founded principally on this fact—we have as a first step, originated an enquiry by motion in Congress which, should its progress be Unobstructed will at once decide the size & property of the Tract.² Should it fall within the United States—the price will not in all probability exceed One Dollar in Certificates per Acre—& if within the State of Massachusetts much less as that State Cannot well exceed the terms of the New York Land Office.

The Moment Congress come to any Act on this subject,³ we shall

have the honor of communicating it—& are, With the highest respect,
Your Most Obedient & Most humble servants,

Wm. Irvine

John Armstrong jr.

James R. Reid

RC (PHi: Gratz Collection). Written by Armstrong, and signed by Armstrong, Irvine, and Reid. Addressed: "Hon. Peter Muhlenberg Esq., Vice Presidt. &c, Philada. By the Hon. Coll. [John Eager] Howard."

¹ Muhlenberg's letter enclosed a resolution of the Pennsylvania Assembly concerning "the purchase of a Tract of Country on Lake Erie." The Pennsylvania Council, Muhlenberg explained, was seeking specific information on the subject—especially an "Estimate of the sum necessary to purchase, and for what sum other lands belonging to the United States in those parts were sold," and "respecting the Western Boundary of the State of New York . . . how far the same extends along the Pennsylvania Line." *Pa. Archives*, 1st ser. 11:237. See also *ibid.*, pp. 211, 216–17; and *Pa. Council Minutes*, 15:392.

² For William Irvine's February 25 motion on determining the New York–Pennsylvania boundary, which was referred to a committee that reported March 6, see *JCC*, 34:57–58, 83–84. The committee's report that was subsequently sent to the Pennsylvania Council (*Pa. Archives*, 1st ser. 11:247–49), contains the following note from one of the Pennsylvania delegates: "N.B. The within is a Copy of the proceedings had, on the subject mentioned therein, which is now suspended. The Delegates of Massachusetts have sent to that State for instructions, as the right of soil falls to them within the western boundary by an agreement between them & New York. Both these States must acquiesce in the mode of ascertaining the line as they are parties concerned agreeable to the true intent & meaning of the Cession &c."

³ This "Act," adopted June 6, is in *JCC*, 34:203. In addition to directing the geographer of the United States to ascertain "the boundary line between the United States and the States of New York and Massachusetts agreeably to the deeds of cession of the said States," it also authorized the board of treasury "at any time before or after such survey to sell the said tract in whole at private sale for a price not less than three fourths of a dollar per acre in specie or public securities drawing interest." See also Pennsylvania Delegates to Benjamin Franklin, June 6? 1788.

Charles Thomson to Samuel Provost and John Rodgers

Sir— Office of Secretary of Congress, Feby. 29th. 1788

I have the honor to inform You that the United States in Congress Assembled have appointed You one of their Chaplains pursuant to the within Act.¹

With great respect, I have the honor to be, Sir, &c

LB (DNA: PCC, item 18B). Addressed: "Dr Provost, Dr Rogers."

¹ For the enclosed February 29 "Act" appointing Provost and Rodgers, see *JCC*, 34:71.

Appendix

Monthly attendance lists: October 1786–September 1787

In response to its increasing inability to conduct business because of the poor attendance of delegates, Congress resolved August 17, 1785, "That the Secretary of Congress shall once in every month, transmit to the Legislatures of the respective States, a list of the States represented, and of those unrepresented in Congress, and of the members from each State; that effectual measures may, from time to time, be taken . . . to remedy these defects." *JCC*, 29:631–33. For the inauguration of this system, see these *Letters*, 22:597, 622–23, 702–3.

The attendance lists in this appendix were transmitted by Secretary Thomson with letters to the states dated November 11, 1786, March 1, March 31, July 2, August 10, September 3, and October 2, 1787. No list was prepared for November 1786; and no copy of the list for July 1787, which Thomson enclosed with his circular letter to the states of August 10, has been found, although a list has been created by the editors from the journals of Congress and supplied here.

The fifth article of the Articles of Confederation provided that "no state shall be represented in Congress by less than two, nor more than seven Members." *JCC*, 19:215. In preparing these monthly lists, Thomson recorded "r" on days when a state was fully represented by two or more delegates, "1" when only a single delegate was present, and "–" when none was in attendance.

A State of the Representation in Congress, for the Month
of October 1786, pursuant to the Act of 17th August, 1785.

Members in Town, during the course of the month																																November		
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	21	23	24	25	26	30	31	1	2	3									
New-Hampshire, }	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Massachusetts, Mr Gorham Mr King Mr Dane }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
Rhode Island, Mr Manning Mr Miller }	1	1	1	1	1	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	-	-	-	-	-	-	-	-	-	-	-	-	
Connecticut, Mr Johnson Mr Sturges }	r	r	r	r	r	r	r	r	r	r	-	-	-	-	r	r	r	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
New-York, Mr Laurance Mr Smith Mr Haring }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
New-Jersey, Mr Cadwallader Mr Symmes Mr Hornblower }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	1	1	1	1	1	1	1	1	1	1	1	1	
Pennsylvania, Mr Pettit Mr Bayard Mr St Clair }	r	r	r	r	r	1	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
Delaware, }	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Maryland, Mr Henry Mr Hindman Mr Ramsay }	1	1	1	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
Virginia, Mr Monroe Mr Grayson Mr Carrington Mr Lee }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	1	1	1	1	r	r	r	r	r	r	r	r	r	r	r	r	r	
North-Carolina, Mr Bloodworth Mr White }	r	r	r	r	r	r	r	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
South-Carolina, Mr Bull Mr Pinckney Mr Kean Mr Huger Mr Parker }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
Georgia, Mr Houstoun Mr Few }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	
The States represented,	9	9	9	9	10	9	10	10	10	10	9	9	9	9	10	10	8	8	8	8	7	7	7	7	7	7	7	7	7	7	7	7	7	

A State of the Representation in Congress, for the Month
of Decr. 1786 pursuant to the Act of 17th August, 1785.

Members in Town,																			
New-Hampshire,																			
Massachusetts, Mr King																			
Rhode-Island,																			
Connecticut,																			
New-York, Mr Laurence Mr Smith																			
New-Jersey, Mr Schurman																			
Pennsylvania, Mr Meredith Mr Bingham																			
Delaware,																			
Maryland, Mr Henry Mr Ramsay Mr Harrison																			
Virginia, Mr Grayson Mr Carrington																			
North-Carolina, Mr Blount																			
South-Carolina, Mr Bull Mr Pinckney Mr Kean Mr Parker Mr Huger																			
Georgia, Mr Few																			
The States repre- sented,																			

MS (Vi: Continental Congress Collection). Enclosed in Charles Thomson to the States, March 1, 1787.

A State of the Representation in Congress, for the Month
of Jan'y 1787 pursuant to the Act of 17th August, 1785.

Members in Town															17	18	22	23	24	25	26	29	30	31
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts,																								
Mr King															r	r	r	r	r	r	r	r	r	r
Mr Dane																								
Rhode-Island,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Connecticut,																								
Mr Johnson															r	r	r	r	r	r	r	r	r	r
Mr Mitchell																								
New-York,																								
Mr Smith															r	l	-	-	-	-	-	-	r	r
Mr Lawrance																								
Mr Benson																								
New-Jersey,																								
Mr Cadwalader															r	r	l	l	l	l	l	r	r	r
Mr Clarke																								
Mr Scheurman																								
Pennsylvania,																								
Mr St Clair															r	r	r	r	r	r	r	r	r	r
Mr Meredith																								
Mr Irvine																								
Delaware,																								
Mr Mitchell															l	l	l	l	l	l	l	l	l	l
Maryland,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
North-Carolina,																								
Mr Blount															l	l	l	l	l	l	l	l	l	l
South-Carolina,																								
Mr Bull																								
Mr Pinckney																								
Mr Kean															r	r	r	r	r	r	r	r	r	r
Mr Parker																								
Mr Huger																								
Georgia																								
Mr Few															r	r	r	r	r	r	r	r	l	l
Mr Pierce																								
The States represented															7	6	5	5	5	5	5	6	6	6

A State of the Representation in Congress, for the Month
of Feby. 1787 pursuant to the Act of 17th August, 1785.

Members in Town,	1	2	3	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts,																			
Mr King	}																		
Mr Dane		1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Rhode-Island,																			
Mr. Varnum	}	-	-	-	-	-	-	-	-	1	1	1	1	1	1	1	-	-	1
Connecticut,																			
Mr. Johnson	}	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	-	-	-
Mr Mitchell																			
New-York,																			
Mr. Smith	}	r	r	r	r	r	r	r	r	r	r	1	r	r	r	r	r	r	r
Mr. Benson																			
New-Jersey,																			
Mr Cadwalader	}																		
Mr. Clarke		r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr Scheurman																			
Pennsylvania,																			
Mr. St Clair	}																		
Mr Bingham		1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr. Meredith																			
Mr Irvine																			
Delaware,																			
Mr Mitchell	}	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Maryland,																			
Mr Forrest	}	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	1
Virginia,																			
Mr Grayson	}	-	-	-	1	1	1	1	1	1	r	r	r	r	r	r	-	r	r
Mr. Madison																			
North-Carolina,																			
Mr. Blount	}	1	1	1	1	1	1	1	1	r	r	r	r	r	r	r	r	r	r
Mr Hawkins																			
South-Carolina,																			
Mr Bull	}																		
Mr Pinckney		r	r	r	r	r	r	1	1	r	r	r	r	r	r	r	-	-	-
Mr Kean																			
Mr Parker																			
Mr. Huger																			
Georgia,																			
Mr Few	}	1	r	r	1	1	1	1	r	1	r	r	r	r	r	r	r	1	r
Mr Pierce																			
The States repre-																			
sented,		5	7	7	7	6	6	6	6	8	7	9	9	9	9	9	6	6	7

A State of the Representation in Congress, for the Month
of March 1787 pursuant to the Act of 17th August, 1785.

Members in Town,	1	5	6	7	8	9	12	13	15	19	20	21	22	23	26	27	28	29	30
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts, Mr. King Mr. Dane	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Rhode-Island, Mr. Varnum	-	1	1	-	1	1	1	1	1	1	1	1	1	1	-	-	1	1	1
Connecticut, Mr. Johnson Mr. Mitchell	1	1	1	1	1	1	1	1	1	1	r	r	r	r	r	r	r	r	r
New-York, Mr. Haring Mr. Smith Mr. Yates	r	1	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
New-Jersey, Mr. Cadwallader Mr. Clarke Mr. Scheurman	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Pennsylvania, Mr. St Clair Mr. Irvine Mr. Meredith Mr. Bingham	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Delaware, Mr. N. Mitchel Mr. Kearney	r	1	1	r	r	r	r	r	r	r	r	r	r	-	r	r	r	r	r
Maryland, Mr. Forrest	-	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia, Mr. Grayson Mr. Madison Mr. Carrington	r	r	r	r	r	-	r	r	r	r	r	r	r	r	r	r	r	r	r
North-Carolina, Mr. Blount Mr. Hawkins Mr. Ashe	r	r	r	1	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
South-Carolina, Mr. Huger	-	-	-	-	-	-	-	-	-	-	1	1	-	-	-	-	1	1	1
Georgia, Mr. Few Mr. Pierce	r	r	r	1	r	r	r	r	r	r	r	r	1	r	r	-	r	r	r
The States repre- sented,	7	6	6	6	8	7	8	8	8	8	9	9	8	8	9	8	9	9	9

A State of the Representation in Congress, for the Month
of April 1787 pursuant to the Act of 17th August, 1785.

Members who attended in the course of the Month.	2	3	4	5	9	10	11	12	13	16	17	18	19	20	21	23	24	25	26
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts,	}	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr. King																			
Mr. Dane																			
Mr. Gorham																			
Rhode-Island,	}	l	l	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr. Varnum																			
Mr. Arnold	}	l	l	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr. Mitchell																			
Connecticut,	}	r	r	r	r	r	r	r	r	l	l	r	r	r	r	l	l	l	l
Mr. Johnson																			
Mr. Mitchell	}	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r
Mr. Smith																			
Mr. Haring																			
Mr. Benson																			
New-Jersey,	}	-	-	r	r	r	r	l	l	-	l	r	r	r	r	r	r	r	r
Mr. Clarke																			
Mr. Scheurman																			
Pennsylvania,	}	r	r	r	r	r	r	r	r	l	l	r	r	r	r	r	r	r	r
Mr. St Clair																			
Mr. Pettit																			
Mr. Meredith																			
Mr. Irvine																			
Mr. Armstrong	}	r	r	r	r	r	r	r	l	-	l	l	l	l	l	l	l	l	l
Mr. Mitchell																			
Mr. Kearney	}	r	r	r	r	r	r	r	l	-	l	l	l	l	l	l	l	l	l
Mr. Mitchell																			
Maryland,	}	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mr. Mitchell																			
Virginia,	}	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Mr. Grayson																			
Mr. Madison																			
Mr. Carrington	}	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r
Mr. Blount																			
Mr. Hawkins																			
Mr. Ashe																			
South-Carolina,	}	-	-	l	l	l	-	l	l	-	-	-	-	-	-	-	-	-	-
Mr. Huger																			
Georgia,	}	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r
Mr. Few																			
Mr. Pierce	}	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r
Mr. Pierce																			
The States represented,	8	8	9	9	10	10	10	9	8	3	6	9	9	9	9	8	8	8	8

A State of the Representation in Congress, for the Month
of May 1787 pursuant to the Act of 17th August, 1785.

Members who at- tended in the course of the Month.	1	2	3	4	7	8	9	10	11	12	14	15	16	17	18	21	22	23	24	25	26	27	28	29	30	31
New-Hampshire, }	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts, Mr. Gorham Mr. King Mr. Dane }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	l	l	l	l	l	l	l
Rhode-Island Mr. Varnum Mr. Arnold }	l	l	l	l	l	l	l	l	l	l	l	l	-	-	-	-	l	l	l	-	-	-	-	-	-	-
Connecticut, Mr. Johnson }	l	l	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New-York, Mr. Haring Mr. Smith Mr. Benson }	r	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
New-Jersey, Mr. Clarke Mr. Scheurman }	l	r	r	r	r	r	r	r	-	-	-	-	-	-	-	-	l	l	l	-	-	-	-	-	-	-
Pennsylvania, Mr. St Clair Mr. Pettit Mr. Meredith Mr. Armstrong }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Delaware, Mr Mitchell Mr. Kearney }	l	l	l	l	r	r	r	r	r	r	l	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maryland, Mr. Ramsay Mr Ross }	-	-	r	r	r	r	r	r	r	r	l	l	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia, Mr. Grayson Mr Lee Mr. Carrington }	r	r	r	r	r	r	r	r	r	r	r	r	r	r	l	l	r	r	r	r	r	r	r	r	r	r
North-Carolina, Mr. Blount Mr Hawkins Mr. Ashe }	r	r	r	r	r	r	r	r	r	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
South-Carolina, Mr Huger Mr Kean }	-	-	-	-	l	l	l	l	-	l	l	-	-	-	-	-	-	-	-	-	-	-	-	l	-	-
Georgia, Mr Few Mr Pierce }	r	r	r	r	r	r	r	r	r	r	l	-	l	l	l	l	l	l	l	-	-	-	-	-	-	-
The States repre- sented,	6	7	8	8	9	9	9	9	9	6	5	5	5	4	4	5	5	5	5	4	4	4	4	4	4	4

MS (Vi: Continental Congress Collection). Enclosed in Charles Thomson to the States, July 2, 1787.

A State of the Representation in Congress, for the Month
of June 1787 pursuant to the Act of 17th August, 1785.

Members who at- tended in the course of the Month.	1	2	4	5	6	7	8	9	11	12	13	14	15	18	19	20	21	22		
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts, Mr. Holten Mr. Dane	}	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	r	r	-	-
Rhode-Island,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Connecticut,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New-York, Mr. Smith Mr. Yates	}	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	-
New-Jersey, Mr. Clarke Mr. Scheurman	}	-	-	-	r	r	r	r	1	1	1	-	-	1	1	1	r	1	-	-
Pennsylvania, Mr. Armstrong	}	1	1	1	1	1	1	-	-	-	-	-	-	-	1	1	1	1	-	-
Delaware,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maryland,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia, Mr. Grayson Mr. Carrington	}	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	-
North-Carolina, Mr. Blount Mr. Hawkins Mr. Ashe	}	r	r	r	r	r	r	r	r	r	r	r	r	r	-	-	-	-	-	-
South-Carolina, Mr. Huger Mr. Kean	}	1	1	-	-	-	-	-	1	1	1	1	1	-	-	1	1	1	-	-
Georgia,	}	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
The States represented,	3	3	3	4	4	4	4	4	3	3	3	3	3	3	2	2	4	4	-	-

MS (Vi: Continental Congress Collection). Enclosed in Charles Thomson to the States, July 2, 1787.

A State of the Representation in Congress, for the Month
of July 1787 pursuant to the Act of 17th August, 1785.

Members who attended in the course of the Month.	2	3	4	5	6	7	9	10	11	12	13	14	16	17	18	19	20	21	23	24	25	26	27	28	30	31
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts, Mr. Dane Mr. Holten	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Rhode-Island Mr. Varnum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	l	l	l	l	l
Connecticut,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New York, Mr. Haring Mr. Smith Mr. Yates	r	r	r	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
New Jersey, Mr. Clark Mr. Schureman	-	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	-	-	r	r	r	r	r	r
Pennsylvania, Mr. Armstrong Mr. Bingham Mr. Irvine Mr. St. Clair	-	l	-	l	l	l	l	l	-	-	-	-	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Delaware, Mr. Kearny Mr. Mitchell	-	-	-	-	-	-	-	-	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Maryland,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia, Mr. Carrington Mr. Grayson Mr. Lee	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
North Carolina, Mr. Blount Mr. Hawkins	-	-	r	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
South Carolina, Mr. Huger Mr. Kean	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	l	l	l	l	l	l	r
Georgia, Mr. Few Mr. Pierce	-	-	r	l	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
The States represented	4	4	7	4	7	7	7	7	7	8	8	8	8	9	9	9	9	9	8	7	8	8	8	8	8	9

Document created for this Appendix from data collected from the journals of Congress. Original MS enclosed in Charles Thomson to the States, August 10, 1787.

A State of the Representation in Congress for the Month
of August 1787 pursuant to the Act of 17th August, 1785.

Members who at- tended in the course of the Month.	1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	27	28	29	30	31
New-Hampshire,	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Massachusetts, Mr. Holten Mr. Dane	r	r	r	r	r	r	r	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l
Rhode-Island, Mr. Varnum	l	l	l	l	l	l	l	l	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Connecticut, Mr. Cooke	-	-	-	-	-	-	-	-	-	-	-	-	-	-	l	l	l	l	l	l	l	l	l
New-York, Mr. Haring Mr. Yates	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
New-Jersey, Mr. Clarke Mr. Scheurman	r	r	l	-	-	r	r	r	-	-	-	-	r	r	r	r	r	r	r	-	l	r	r
Pennsylvania, Mr. St. Clair Mr. Irvine Mr. Armstrong	r	r	r	r	r	r	r	r	r	l	l	l	l	l	r	r	r	r	r	r	r	r	r
Delaware, Mr. Kearny Mr. Mitchell	r	r	r	r	r	r	r	r	r	-	l	l	-	r	l	l	l	l	-	-	-	r	r
Maryland, Mr. Ross	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	l	l	l	l	l
Virginia, Mr. Lee Mr. Grayson Mr. Carrington	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
North-Carolina, Mr. Ashe Mr. Blount Mr. Hawkins	r	r	-	-	-	-	-	-	l	-	-	-	l	l	l	l	l	l	-	-	-	l	l
South-Carolina, Mr. Kean Mr. Huger	r	r	r	-	l	l	r	r	r	l	l	l	-	-	-	l	l	l	-	-	-	-	l
Georgia, Mr. Few Mr. Pierce	r	l	l	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	l	l	l	l	l
The States repre- sented	10	9	8	5	5	6	7	6	5	3	2	2	3	4	4	4	4	4	3	3	3	5	5

MS (Vi: Continental Congress Collection). Enclosed in Charles Thomson to the States, September 3, 1787.

A State of the Representation in Congress, for the Month of
September 1787 pursuant to the Act of 17th August, 1785.

Members who at- tended in the course of the Month.	3	4	5	6	7	10	11	12	13	14	20	21	22	24	25	26	27	28	29
New-Hampshire, Mr. Langdon Mr. Gilman	-	-	-	-	-	-	-	-	-	-	-	-	-	-	r	r	r	r	l
Massachusetts, Mr. Gorham Mr. King Mr. Dane	l	l	l	l	l	l	l	l	l	l	r	r	r	r	r	r	r	r	r
Rhode-Island, }	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Connecticut, Mr. Johnson Mr. Cooke	l	l	l	l	l	l	l	l	-	-	r	r	r	r	r	r	r	r	r
New-York, Mr. Smith Mr. Haring Mr. Yates	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
New-Jersey, Mr. Clark Mr. Scheurman Mr. Cadwallader	r	r	r	r	r	r	r	r	l	l	r	r	r	r	r	r	r	r	r
Pennsylvania, Mr. St Clair Mr. Irvine Mr. Bingham Mr. Armstrong	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	l
Delaware, Mr. Kearney Mr. Mitchell	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
Maryland, Mr. Ross	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l	l
Virginia, Mr. Grayson Mr. R. H. Lee Mr. Carrington Mr. Madison Mr. H. Lee	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r	r
North-Carolina, Mr. Blount Mr. Ashe Mr. Burton	l	l	l	l	l	l	l	l	r	r	r	r	r	r	r	r	r	r	l
South-Carolina, Mr. Kean Mr. Huger Mr. Butler	l	l	l	l	l	l	-	-	-	r	l	l	r	r	r	r	r	r	r
Georgia, Mr. Few Mr. Pierce	-	-	-	-	-	-	-	-	l	l	r	r	r	r	r	r	r	r	r
The States repre- sented,	5	5	5	5	5	5	5	5	5	6	9	9	10	10	11	11	11	11	8

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